

City Council Special Called Meeting Transcript – 02/12/2020

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[3:09:26 PM]

>> Mayor Adler: All right. We have a quorum present. Today is Wednesday, February 12, 2020. We are in city council chambers here. The time is 3:09. We have three items in front of us which we're calling all at the same time. We have some folks that have signed up to speak. 20 some odd to speak. Consistent with how we post, I'm going to call these folks, give everybody a minute, I'll call them up by panels the same way we did it yesterday. Is Mike [inaudible] No? What about Becky Taylor? What about liza Wimberley. Come on up and take a chair. What?

>> [Inaudible - no mic on]

>> Mayor Adler: Any one of

[3:10:27 PM]

those chairs. I'll be with you in just a second. You had Andrew Smith who had also signed up. Is Andrew Smith here? You will have one minute when you get called. Is Brenda Edwards here? Come on down. Tina Barrett? Come on up. That's number 3. Ben Livingston. Come on up, you're 4. Is Nellie Orr here? Why don't you come on down. Signing up after you Nellie was Ruth Davies here? No? Is Paula Kaufman here? What about Wolfgang Frey?

>> Pool: Yesterday for all the speakers they had a

[3:11:28 PM]

minute --

>> [Inaudible - no mic on]

>> Pool: A minute, but sounds like you were telling these people they only had one hunt minute.

>> Mayor Adler: On the first day when we were encouraging people to testify on the first day I set it up for two minutes on the first day. So unless the dais changes that, I'll do it the way that it's been posted which is a minute per speaker. And I had said no donated time, but I was letting people do that with their one minute.

>> Pool: I didn't understand it was two minute and one-minute donation only -- this keeps turning off. And so I would ask that we allow these folks who have also come down like they did yesterday to have the additional time.

>> Mayor Adler: Okay. Councilmember pool would have us give all the speakers two minutes. Rather than the one minute. Do we want to take a vote on that? Yes, councilmember kitchen.

>> Kitchen: How many speakers did you say we had?

[3:12:29 PM]

>> Mayor Adler: 22.

>> Kitchen: So two minutes is about 40 minutes. I don't think that's unreasonable for us and it's the same thing that we did yesterday. So I think that we should allow the two minutes.

>> Mayor Adler: Okay. Let's take a vote. I recommend we stay with what we posted a week and a half ago, in part to encourage people to come on the first day. But let's take the vote. Those in favor of extending to two minutes per speaker raise your hand. Tovo, pool, kitchen. Those opposed? The balance of the dais. We'll stay with the one minute.

>> Kitchen: Mayor, I would like to say one other thing. I mean seriously guys, the difference between one minute and two minutes is 20 minutes for allowing these people to say what they need to say. Maybe they couldn't come yesterday. So I really don't think --

>> Mayor Adler: I understand that. We've taken a vote. Let's go ahead and let the speakers speak.

[3:13:29 PM]

>> Kitchen: I'm concerned about what kind of message we're sending to the public.

>> Mayor Adler: I understand.

>> Pool: And I also want to apologize to the folks who have come down. I believe you deserve the same amount of time folks had yesterday. I don't think it was clear that you wouldn't and so I am objecting to the limitations on your right to speak to us here in city hall chambers.

>> Mayor Adler: And I certainly don't want it to last much longer, but I think that's not fair or accurate, it's what was posted, what everybody could read, it's what I described orally every chance I've had a chance to speak to this. We have limited time to be able to move today. There are some people that are even asking us to end earlier than what we have posted. We can have that discussion in a little bit as well. But you have one minute. Please proceed.

>> And I planned for one minute.

>> Mayor Adler: Good.

>> Lisa Wimberley, I live in district 7 and I'm here to talk about our land development code. The science is in many times

[3:14:29 PM]

over. The facts are all here. Read the U.N. Climate report where it specifically talks about how multi-family housing is one of the ways we can combat climate change. Look at the platforms of our most Progressive democratic candidates who talk about housing affordability. Look at the Obama white house tool kit. There are so many studies that show denser housing is good for mass transit and reducing our carbon footprint. I have a hard time believing you haven't seen the data, all the signs and all the facts. Yet once again here we are debating whether homes in a six-unit structure have a right to exist next to a single-family home. And then when you can't argue with facts and science and data, you argue the process. The process is rushed, we need to slow down. Let me remind you imagine Austin comprehensive plan was implemented eight years ago and housing delayed is housing denied and the planet is literally on fire.

[Buzzer sounding]

>> Mayor Adler: Thank you very much.

[3:15:29 PM]

Introduce yourself. One minute.

>> [Inaudible]. I would like to suggest pragmatic revisions to the map while minimizing discorruption and citizen discontent. Within the constraint of the city's housing capacity goals and meet such goals, I would like to suggest on behalf of numerous young families who I speak on behalf of focusing on -- domain and far west with a focus on green field development to maximize new housing units. There are green field activity centers comprising hundreds of acres currently zoned as single-family. They should

be up zoned as nobody is getting displaced in these areas. Further -- such as east Cesar Chavez and dove springs, Enfield and Duvall had are established neighborhoods that do not offer sufficient transit, to justify transition zoning beyond two units deep.

[3:16:30 PM]

Spicewood springs that offer enhanced walkability and commercial, this should result in reallocation to activity interiors while increasing -- established neighborhoods. Thank you.

>> Mayor Adler: Thank you. You have a minute.

>> Tina Barrett, lived in rosedale 21 years, here to talk about the code. Apologies. I'm extremely disappointed in T second draft of the code because it system at lick chips away and reduces the new housing yield we desperately need to make our city more affordable and sustainable. The second draft continues to protect the sacred family home zoning. While it is fine for single-family homes to be an option, I do not think why this type of building structure must be protected at all costs, especially the cost of denying an equitable chance to lower income austinities to owning a home in the west Austin neighborhoods. It is a 20th century

[3:17:34 PM]

he-and continuing to protect single-family homes will not help with affordability. Sharing the cost of land, increasing density to support transit and reducing our carn footprint by eliminating protections for the most exclusive type of building is only way forward for this city and our planet. Thank you.

>> Mayor Adler: Thank you. Introduce yourself, sir, you have a minute.

>> Ben Livingston. I want to thank and kitchen, our councilmember, zilker neighborhood, for looking out for the people in this particular meeting. And -- which is an interesting reflection on what we see going on with the city. My wife has a message for you. She says don't rush this, we need time to make sure all city goals and initiatives are addressed such as climate change and zero waste. How can we meet these goals if we're cutting down trees and scraping homes, filling your landfill with scraped buildings in order to put up large single-family homes that take up entire lots. The other thing I have to say and I stand with the

[3:18:39 PM]

zilker neighborhood association and double down with any other zilker person here, to read the message of Lorraine, make it more difficult to remove heritage trees on lots fronting south Lamar.

Please don't remove requirements of sidewalks in the areas with con -- and don't allow a ten-unit building next to a single-family home. Thank you.

>> Mayor Adler: Thank you. Please introduce yourself.

>> Nellie Orr, district 9. My first ask is about 38th street east of Guadalupe, two-lane. A bus route yes, but treating it with the same density as Lamar and other four to six-lane streets that have more capacity for buses, et cetera, doesn't make sense to me. My second ask is to carefully consider maximizing Guadalupe, red river, airport and Lamar, not Duvall simply. It's just not that big.

[3:19:43 PM]

Although it has a bus every five minutes and I think that made it a candidate. The city's intent was to impact the city equally. And it doesn't seem to me that Duvall's treatment does that. My third ask is for more time, more study. There are unintended complications and results. And I saw the tovo amendment and we have the neighborhood associations and, of course, it would be a rat's nest, but --

[buzzer sounding] I want to slow it down.

>> Mayor Adler: Thank you.

>> Good afternoon, my name is Gus peña, I'm president and founder of veterans for progress. I think if I'm disgraceful to you not even allow two minutes or three minutes. This is damn Austin, Texas. We're fighting for the lives of the people to preserve the quality of life for the people. We need more affordable housing units. And I tell you what, I will give you the definition of

[3:20:43 PM]

affordable housing, but you know what right now, I don't want my high blood pressure to go forward, Steve. The thing is this, we're in combat for the people. And you want to give us just one minute? We're Americans. I served three tours overseas. Where did you all serve? Those of you all voted no, listen to me. I fought the fight and we're still fighting it for the integrity of affordable housing and east Austin is losing. Gentrification not good. Tell me, Steve, why I shouldn't be angry? Tell me. I don't give a df or -- but what you are saying is wrong.

[Buzzer sounding] The integrity of the neighborhood is bad. Thank you. I hope you use for cervasa.

>> Mayor Adler: Let's go to the next panel. Sues soon prior? Benjamin? Come on down, sir.

[3:21:45 PM]

Betsy Greenberg. Is Ms. Greenberg here? Yes. Robert sotelar. Come on down. Ray Collins. Okay.

>> Mayor Adler?

>> Mayor Adler: Steven rice.

>> Harper-madison: Somebody you called earlier just walked into the room. Ms. Kaufman.

>> Mayor Adler: Ms. Kaufman. She's entitled to speak again today if she wants to. Did you want to speak? Come on down. Please introduce yourself. You have a minute.

>> Benjamin [inaudible], I'm here to talk about something different. About the deletion of the main code for our city's long standing asbestos survey ordinance from the draft L DC. In 2001 a series of reports documenting the -- illegal

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asbestos removal our city chose to act. While subsequent state law, sb 509 require municipalities correct -- current code works with date law and sets the standard by requiring the actual evidence of the survey be provided to the building official before a permit can be issued and specifically defines the term asbestos survey and who can perform one. Without on corresponding local ordinance, the state allows for indication as minimal as a check box or certifications. I'm concerned that leaves verification standards to department interpretation and feel it's important through responsibilities --

[buzzer sounding]

>> Mayor Adler: Finish your thought.

>> Okay. The responsibilities of permit applicants and city are laid out front and center. To maintain an accountable standard is important. A 2017 audit appears they

[3:23:47 PM]

have no process to verify a survey has been completed.

>> Mayor Adler: Okay.

>> And evidence missing from permits in their sample set.

>> Mayor Adler: Thank you.

>> I sent you all a letter.

>> Alter: Would you mind resending that?

>> I would.

>> Alter: Thank you. And I would also suggest sending it to the land development team because I have a feeling that was an inadvertent oversight. Thank you.

>> Mayor?

>> Tovo: I just wanted to thank him for his continued communications about this issue. I know you've been in contact with my office. We did bring forward several amendments on first reading, at least one of which was not successful to try to increase some of the provisions within our land development code with regard to this. We had a little conversation during that reading about what the current status is and what our city staff intended to and roll out this year in terms of a

[3:24:47 PM]

process, and so I would -- if you would like, you can be in touch with my office again and we can share with you sort of where we -- where our city is with regard to increasing some of those provisions. But I agree with you, with your general point that we can -- we have the ability to do more and we should be.

>> Mayor Adler: Go ahead.

>> My name is Betsy Greenberg and I live in the heritage neighborhood bordered by Lamar, Guadalupe and 38th street which are all imagine Austin corridors. When heritage submitted an alternative mapping proposal, we requested that in order to provide more housing the corridor property should have requirements for housing and not just entitlements. Instead the main street and mixed use properties in our neighborhood and citywide now have a new Q or V designation. For Zones with Q or V designations, all dwelling units are counted as bonus units so there is now no base entitlement for

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housing. These new designations discourage housing. New entitlements such as larger buildings should be tied to affordable housing requirements, but the residential use entitlements should not have any barriers. Especially on imagine Austin corridors. Please take the time to look at the code and maps before rushing to take action. Thank you.

>> Mayor Adler: Thank you. Go ahead, sir.

>> Hi there, my name is Robert Sotalar, district 9 in the Mueller neighborhood. Draft 2 of the new Idc seems to retreat from 2 housing density in draft 1. I'm here to urge you to reinstate that throughout Austin including in central and west Austin in the proposed Idc as you move it forward. The housing affordability crisis in Austin means we cannot afford half measures or kicking the can down the road. Please be bold, deliver on the goals of the unanimously approved strategic housing blueprint and take advantage of this once in a generation opportunity to enact

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meaningful reforms that make Austin more affordable, integrated and sustainable.

>> Ray Collins, I speak today in support of councilmember kitchen's amendment 8. P zoning is the only appropriate zoning category for the public property entrusted to aid for the purpose of public education. Aisd's plan to sell this public property at market rate is a betrayal in the use of the land development code rewrite to further their goal up up zoning this property Anna -- and negates its use to house families and yes, including the families of aisd cooks and custodians closer to rather than farther from their places of employment. These various nonprofits have financial constraints which will not permit purchase or long-term leases of property at market rate prices. Addressing the financial constraints of these

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nonprofits by zoning this public property P in order to allow them to build subsidized housing is a far higher priority than aisd's stated budgetary requirements.

[Buzzer sounding]

>> Mayor Adler: Thank you. Go ahead, sir.

>> My name is Steve rice and a I'm from district 6. I'm here to express concern over redevelopment code. I live in northwest Austin in a neighborhood called the mountain. We currently live in an area that is zoned sf1 and under codenext is being proposed to range to r1a. This impact would allow based on size of my lot which is 10,059 square feet to build one additional home for every 2500 square feet. I'd like to see that happen, by the way, if that was possible. This means a developer could come into our neighborhood and put four homes on our lot. If you allow this to happen, you will not be able to overstate the dramatic and negative impact to the quality of life in our

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neighborhood. The quality of our neighborhood, the increase in the round~rock ISD school taxes, along with the additional traffic. We have no public transportation in our neighborhood. This is going to add more cars to the streets in northwest Austin. We are asking you to vote against codenext as it currently stands and if not that at least postpone future readings until you allow more time to review and understand the latest drafts.

[Buzzer sounding] Finally, I would like to thank councilmember tovo for her support of the homeowners.

>> Mayor Adler: Thank you.

>> Outside investors and large corporate developers are trying to pit us against each other. It's outright wrong to state that district 9 neighborhoods and f-25 Zones don't accept people of all ethnicities. I invite you to tour my

[3:29:52 PM]

neighborhoods of bowleden and Travis heights, see for yourself. Many of the families are multicultural. Yes, I have -- I decided I had to come back today because yesterday I found out that all of the work that my committee did to use the prescribed methodology of the city to submit contest specific maps were all declared does not meet criteria. Because you know what the cry tearian was? To map that density in the same district. But district 9 was completely saturated. See all of the red. So we used --

[buzzer sounding]

-- Followed some new urbanism to put some of that density in district 6. Look at all the yellow. And they are saying that we didn't give specific direction. I'm not sure if you understand that we actually

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submitted all these things and they were completely discounted. That is the feeling that people have, that they are discounted because of the developers, the corporate developers, not the small ones, but now we have proof they didn't even look at all this work we did.

>> Mayor Adler: Thank you.

>> I hope that you will look at this and look at the context specific things.

>> Mayor Adler: Thank you.

>> Was in 1986. It doesn't have anything to do with race.

>> Mayor Adler: Ms. Kaufman, thank you. Thank you very much. Ms. Kaufman.

>> Nccds --

>> Mayor Adler: Thank you.

>> Kitchen: Mayor, I would like to mention like I did yesterday that we expect to hear from staff probably tomorrow on the process going forward, and that conversation I expect to include a discussion of what happens to the submissions that you and other communities submitted.

[3:31:54 PM]

>> Mayor Adler: Okay.

>> It's my understanding that a lot of people were told does not meet criteria. That's my understanding. I'm not sure.

>> Kitchen: Okay.

>> Mayor Adler: Is Nicole here? Come on down. What about conner Mclaughlin? Come on down. Cynthia Milne. Come on down. And Terry quester? Why don't you come on down. Is anybody else signed up to speak that I have not called? All right. Give the four of you a chance to speak. Introduce yourself. You have a minute.

>> Hi, my name is Nicole nabolsi and I'm from district 10. The reason I'm here and my goal is encourage you to pass the new land code with the proposed amendments. I think the small changes right now are just not enough and the ones that are included in draft 2. I want to make sure I'm

[3:32:56 PM]

living in Austin that's more accessible, diverse and transit oriented. I spent the past 12, 15 years working as a staffer for Obama care for democratic members of congress and this housing issue and making housing more accessible to all, I think is one of the most important social justice issues in 2020. Thank you.

>> Mayor Adler: Thank you. Sir.

>> Yes, I'm conner Mclaughlin, district 5. I'm directly affected by these new development pushes and targeting of neighborhoods. I have lived right next to a construction site with zero oversight, zero notice to any of the neighbors adjacent. They are now planning to dig a foundation which I live on a slope and there are other aspects to development code that aren't being addressed by your city compliance. They pull in with a demo machine unbeknownsted to

[3:33:56 PM]

anyone in the neighborhood, operating five feet from a vehicle. I mean there's just -- they create honey pots for crime, literally ripping the windows and doors off my neighbor's property. When I arrived back from Thanksgiving with my family, I arrived to chaos basically. Is what you unleash in our neighborhoods. And the fact that they are getting tax write-offs from the fire department to go run drills --

[buzzer sounding]

-- In my backyard with no notice to anyone in the neighborhood is totally unethical. I mean how do you even propose any changes in a failing system like this?

>> Mayor Adler: Thank you.

>> That has zero oversight or concern for the communities and the trees, literally like I --

>> Mayor Adler: Sir, thank you very much.

>> I blocked them from tearing down three trees in my neighbor's lot.

>> Mayor Adler: We appreciate you coming and talking to us today. Thank you. Appreciate it.

>> Their first proposal was rejected.

>> Mayor Adler: We need to

[3:34:57 PM]

let the next person speak.

>> I would like to speak at the same table with you because this format does not work for most citizens. It's a creative artist place, hopefully a safe haven for people.

>> Mayor Adler: Sir. Thank you. Thank you. Councilmember pool.

>> Pool: I'd like to ask if maybe somebody on staff, maybe in Gonzalez, I don't see the city manager, could have a staffer with development services or code to talk to Mr. Mclaughlin before he leaves to try to get to the bottom of what the circumstances are so that we can address what may be happening in his particular neighborhood.

>> Mayor Adler: You have one minute.

>> Cynthia --

>> Mayor Adler: I can't hear you. Is there a button on the bottom of that?

>> Hello? Are you there?

>> Mayor Adler: Yes, thank you.

>> I have nothing independent to say. I wanted to say I live in district 9 and I'm here to

[3:35:58 PM]

support Ms. Tovo because she has accurately and very devotedly represented our interests. That's basically what she's supporting is what we support. Thank you.

>> Mayor Adler: Thank you. Ma'am.

>> Hi, I'm Terry quester from district 10. I have a lot of notes but I've decided to speak from the heart. The beginning of this meeting is I think the problem with what's happening in Austin. It's -- this is being rammed down our throats. The fabric of America much less the fabric of Austin is built on single-family neighborhoods. I bought in a single-family neighborhood in district 10 20 years ago. I have no intention on tearing down my home and building four units with no parking available along the street, yet my taxes will go up. I think what everybody is missing in this is with the tax rise with transition

[3:36:59 PM]

Zones being zoned as multi-family will price out many of the people in Austin and leave it open to developers. Developers are not going to develop this unless it is cost effective and you cannot sell my lot, build four homes on it with the property tax value that it is now and have it be cost effective.

[Buzzer sounding] Plea, city council, wake up and let us talk more than one minute.

[Applause]

>> Mayor Adler: Okay. Colleagues, that brings us back up to the dais. Today's session we're stopping at 5:00. That gives us about an hour and 20 minutes to work now. I am back to the page that we were working on before. We're on page -- I think we did the front page and I think that gets us to --

[3:37:59 PM]

what is it, tovo 4 at the bottom of page -- page 1. I think that's where we are. Pulled by harper-madison and Casar. Councilmember Casar.

>> Casar: Mayor, is staff here because on this one I think that --.

>> They are coming.

>> Casar: On this one in reading -- we might want to skip over it on this amendment in reading councilmember tovo's I got confused because some of this language changed from draft 1 and I think there might be an error in what is written into the preservation incentive on this front. We've got the staff right now.

>> Mayor Adler: In case anybody is watching, we're continuing with the work we did yesterday. We have a base motion, which is staff recommendations on items 1, 2 and 3.

[3:38:59 PM]

Plus the amendments that were in -- proposed -- plus two amendments proposed by council. And we're going through work sheets, 19 pages, which were items that we're considering adding to that base motion. We hit the first two of them I think yesterday -- first three of them yesterday. So we're continuing on. This document that we're looking at, by the way, was posted on the message board yesterday or the day before, proposed Idc second reading amendments v2.

>> Tovo: Mayor, while our staff is getting organized, I'm sorry, councilmember, I'm not following which language you think is in error.

>> Casar: Right, the -- my

[3:40:04 PM]

understanding was -- so my understanding from the staff was that they -- here for the preservation incentive facade versus walls, that there was an error between draft 1 and draft 2 where the facade language got cut out. I'm interested in what staff's actual recommendation is for which parts of the facade and how much of the wall to save. Because my understanding is we lost some words between drafts inadvertently.

>> Councilmember, we did lose the word "Front" between the first and second draft.

>> Casar: So what is your recommendation?

>> That the front wall be preserved and then otherwise 50%.

>> Casar: I'm comfortable with that knowing you worked

[3:41:05 PM]

that hard between first and second and how different that is from -- what is here.

>> Tovo: Mayor, if I may.

>> Mayor Adler: Okay.

>> Tovo: I'm sorry, was this communicated to us in a work session? I don't remember having that conversation about words being dropped.

>> I don't think it was during work session. I don't recall it coming up. But the intent there was to have the front wall preserved in its entirety and then otherwise 50%.

>> Mayor Adler: So is it 50% of the exterior walls including the front wall, or is it the front wall plus 50% of the other three walls?

>> It's 50% of all the walls and of that 50% the front wall must be retained.

>> Mayor Adler: Okay, so it's basically the front wall plus one-third of the remaining three walls.

>> Yes.

>> Mayor Adler: And that's

[3:42:06 PM]

what you intended it to be, but that's not what it says. Because that concept is not in here right now when you read it, it doesn't say that. But that's your intent; is that correct?

>> Yes.

>> Mayor Adler: Okay. So is that your intent too or is your intent different?

>> Tovo: To do a few things. One to clarify as we did -- I mean when I asked questions about this the other day to clarify, it was clear that it needed -- that we needed to be specific about the facade. That the front facade was going to be preserved and so that was part of the intent. Private frontage I'm suggesting changing because I don't think that's -- I don't think that's as clear to people as porch. But I -- so let me go back and make a couple revisions based on the conversation we're having, but I do think -- I think preserving the front and one wall is along the lines of what we have now and I think it is -- it really has failed

[3:43:06 PM]

to provide a significant -- really to significantly preserve those structures. I thought when we had conversations in our work sessions about this, I thought we had relative consensus among the council that we really didn't want -- we didn't want to see the same kind of loopholes being exploited that are currently exploited with our existing ordinance that allows you to keep up, what is it, two walls?

>> Mayor Adler: Did you say you were coming back with this.

>> Tovo: Let me table it for the moment and work on it, but it will have something -- I believe I'm going to stick to the you can demolish 25% of it and not 50%.

>> Mayor Adler: Okay.

>> Tovo: Let me work on the language.

>> Mayor Adler: Any objection to this item being tabled?

>> Kitchen: I have a question.

>> Mayor Adler: Okay.

>> Kitchen: So when you come back with this, and maybe you can provide us, I would like to know the exact language that you are talking about. I understand the intent, but I would like to see the actual language. So if you could provide that

[3:44:08 PM]

to councilmember tovo so that when we come back and consider this, we see the language that reflects it. Reflects that you intended to put in.

>> Mayor Adler: If you could do that and shoot that to everybody.

>> Tovo: And mayor, if I may, if I could ask since my staff are going to be helping me make these edits, it would be super if you would -- I'll ask them to communicate with you all about that. And invite the staff if there are other amendments that we're bringing forward that relate to concerns, it sounds like you may have gotten the information to some of the colleagues about the words that were missed but not to the person actually making the amendment. I could have adjusted for it, but we can sort it out at this point.

>> Mayor Adler: Would you please get out to the dais the language that you would change on this to make it be the front wall one-third and get it to and visit with councilmember tovo's office in case her staff wants to

[3:45:09 PM]

go further than that. In the meantime, that item is being tabled. That gets us next to Adler res1. As I said, I want to table that one as well. Still working on language, but I hope to be able to circulate and post something shortly on that again that focuses basically just on green field areas in subdivisions greater than ten lots. It's to provide for the opportunity to have that tract home development to continue in the city. But it's tabled for now without objection. Yes, councilmember alter.

>> Alter: When you are working on that language, could you try to make sure that it covers the impervious cover and parkland and other things that would normally be there?

>> Mayor Adler: Okay. Take a look at parkland and impervious cover. And we've also asked -- I want to make sure it didn't conflict with any of the priorities that we've set in centers. So while we're working on that language, we're trying

[3:46:10 PM]

to make sure that our desire to make centers more workable are being trumped by this allowing tract home developments.

>> Alter: My staff can work with your staff on this.

>> Mayor Adler: That gets it to transition areas. Harper-madison 3. Minimum lot size town home. Councilmember alter, you pulled this?

>> Alter: So can -- can we speak to where this would apply perhaps harper-madison on which zoning category and what we're trying to accomplish?

>> Harper-madison: Sure.

[3:47:26 PM]

>> Yes.

>> Alter: Why did you have -- maybe while she's still looking maybe you can explain why you had a different number. On the minimum lot size.

>> So originally we calculated townhouse with lot size -- it had a long evolution based on previous densities allowed in each zone. But if the intent is to reduce the minimum lot size to allow for maybe make it easier for town homes, we think that that's okay. There may be a minimum width that we can't go below so we would --

>> Alter: In which Zones does this apply? I don't have memorized which Zones were allowed to have

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town homes.

>> Town homes are allowed starting in the r3 zone and more intense from there.

>> Alter: And what is the current square footage?

>> Currently the minimum lot size is 1800.

>> Alter: And is there a limit to the number of town homes that you can put in that size lot or is it strictly based on the lot size in? Putting town homes on it -- and I may be misunderstanding the way this works, does reducing it get you more town homes for the size or --

>> Yes, so if the minimum lot size is changed and it's reduced, then you might be able to get more on one lot. Currently you have to have a minimum run of three. So it would be three plus. But certainly if it's reduced, it's possible you could get more on one lot

[3:49:28 PM]

compared to current draft.

>> And councilmember alter, just so we're clear, the town homes as defined in this code are connected structures. So we're talking about, like, actual units that are connected and are attached in a row, and this would facilitate sort of fee simple ownership by lowering the lot size and allowing smaller units on smaller lots. But the standards, the development standards apply to the overall site.

>> Alter: So I'm not sure that I'm totally understanding this, but assuming this is going to pass depending on the votes, can we have some models for third reading to understand the implications? If you do move forward with this?

>> Yeah, I'm sure we can produce a rendering to explain.

>> Alter: Thank you.

>> Kitchen: I have a

[3:50:28 PM]

question.

[Inaudible]

>> Harper-madison: I was just going to say that it's been sufficiently explained.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just have a question. I want to understand what we're trying to -- what the goal is, what we're trying to achieve.

>> More housing. So an opportunity to create more housing on a single lot. And sort of like, you know, the larger cities where minimum lot sizes as low as 1250 and they run laps around us in the production of housing. Just trying to get closer to being able to produce more housing by right.

>> Kitchen: Okay. And the -- the -- allowing the three-story units on smaller lots, is that in order to be able to get the same square footage on the homes, the size of the homes? Or that's a new part; is that right?

>> Harper-madison: I think that's what staff has been saying all along.

>> Kitchen: The new part

[3:51:29 PM]

is simply reducing the lot size, not the ability to go to three stories, right? Okay. So if I'm understanding correctly, then that would -- it would reduce the number of units, wouldn't it? I apologize, I'm just trying to understand. If you are a smaller square footage of your lot size, you are not going to fit as much on it.

>> Harper-madison: Staff to talk to you to the technical part. What my intentions were --

>> Kitchen: Okay. So it allows us more options, I get that, with smaller lot sizes. But I'm not -- I guess I wasn't following how it provides for more units except that you would have more lots, I guess. Is that the thinking?

>> Yeah, that's the basic thing is if the lot size is smaller, it would potentially allow for more lots in a subdivision.

>> Kitchen: All right. Thank you.

>> Mayor Adler:

[3:52:29 PM]

Councilmember tovo.

>> Tovo: And so I'm assuming then if you have a 5,000 square foot lot, which is a pretty typical size, probably a little smaller than typical, you would now be able to subdivide it into three lots, right?

>> Yes.

>> Tovo: So can we talk a little about the height? So three stories, you can accomplish three stories within 35 feet height?

>> Yes.

>> Tovo: And so this is not proposing a height change? Just --

>> It doesn't appear to us to be proposing a height change.

>> Tovo: Is that accurate? So I wonder, councilmember harper-madison, are there some areas in your district with r3 zoning you can point to that have given rise to this suggestion and that we could look to and get a sense of what's around it

[3:53:29 PM]

and what the lot -- what the typical lot size is?

>> Harper-madison: It's information I can certainly produce.

>> Tovo: Great, again, I'm still trying to understand my second draft map. I haven't had an opportunity to see whether this is something-"I know there's quite a bit of r3 mapped into certain areas of mine and I -- but I haven't necessarily seen r3 in some of the other areas I'm trying to determine which council districts this would primarily impact. I'll say for now I just can't support this. I think that to me this is one of multiple mapping issues because the areas that have r3 are in my district right now are proposed for map to go r3 I think are not -- are not areas where I can support small subdivisions into three-story housing. I think it's incompatible

[3:54:30 PM]

with the surrounding uses.

>> Mayor Adler: Okayment go ahead and take a vote. Councilmember pool.

>> Pool: I would like staff to give us an example of where this change would occur. Yeah. Can you talk to us a little bit about --

>> Where geographically?

>> Pool: Uh-huh. I mean, if we're making this recommendation, we should have some kind of grasp on where it would be built.

>> Harper-madison: Get you the information tore the central east Austin --

>> This would be mapped in areas r3, r4, rm1. We may need a minute to pull up a map to show where this could be located. I think Lacey could speak to generally are r3, r4, rma are mapped throughout the city and we could follow up with more exact information. Lacey, do you want to describe --

>> Sure.

[3:55:30 PM]

Lacey Patterson, planning and zoning. Generalry they are mapped along a series of our imagine Austin corridors, such as burnet avenue, south Lamar, north Lamar and networks such as Duvall, Enfield, just a couple I can think of. Parmer. Quite a few roadways we have in our imagine Austin corridor along with higher missing middle zoning. There are other that I cannot speak to but along corridors is a good general understanding. And just where r4 and rm1 are mapped.

>> I would add in the vulnerable areas but the report, we did map r3 quite a bit more than in draft 1

[3:56:31 PM]

on those -- in those transition areas for reduction from r4. So you will see a lot more of r3 in the eastern crescent than previously for draft 1, so that's a significant change where you could see this product happening in the eastern crescent.

>> Pool: Can somebody explain why my mic keeps being turned off?

>> [Inaudible - no mic on]

>> Pool: So I'm hoping that we're not doing something here that will exacerbate demolitions of existing - especially in the eastern crescent, of small homes that may be on a five or 7,000 square foot lot, which has never considered large in the city but is now becoming the standard minimum, 5,000, for this product to then be inserted. And I don't -- so that concerns me. That seems to me to be going contrary to our attempts to

[3:57:35 PM]

preserve older housing and not to incentivize its demolition. This feels like a demolitionist sort of approach. I can't support this either for those very reasons. I'm concerned that the very parts of our city that we are trying to protect would be most -- most harmed. Or most affected.

>> Mayor Adler: Okay.

>> Harper-madison: If I may?

>> Mayor Adler: Take a vote.

>> Harper-madison: Just to respond to my colleague. While I can appreciate the concern, this is more along the lines of a mere 400 square foot, being able to reduce the cost of additional housing by more than \$20,000. So I absolutely appreciate that concern and have carefully considered all the potential implications and feel like this would absolutely be to the --

[inaudible] Producing the yield that we need.

>> Mayor Adler: Those in favor of this harper-madison 3 please raise your hand. Those opposed?

[3:58:35 PM]

Tovo and pool voting no, others voting aye, it passes. That gets that gets us up to harper-madison 4. Councilmember kitchen, I think you had a question about that one?

>> Kitchen: Again, I want to make sure I understood it. This may be a question for staff.

>> Harper-madison: If it's clarification around the language, I think I've done a relatively good job in trying to simplify it some, but I think having gob through this multiple times with staff, we've gotten to

the point where the language is less confusing. I'll let them start and if there's any questions I'm happy to answer.

>> Kitchen: Just tell me what the impact or effect of it is.

>> Councilmember, in the draft code currently we have a requirement for open space for any multi-family use of

[3:59:36 PM]

any size. So if this change were made it would just mean that multi-family products with 11 or fewer units would not have that requirement.

>> Kitchen: All right. And just remind me what the open space requirement is right now.

>> It's five percent. Five percent of the site has to be set aside for open space.

>> Kitchen: Okay. And so the thinking is that this will only -- with this change it would only apply if you had under 12.

>> Under 12.

>> Kitchen: And Texas 2, the subsection B, what the impact of that? I'm sorry, I don't have the code in front of me to understand exactly what's in that code that would be struck there.

>> So that subsection is the part of the code that just speaks to the requirement for open space for multi-family products of 11 or fewer units. It would just cut that -- it

[4:00:38 PM]

would delete that from the code entirely.

>> Kitchen: It's not a new subject matter. It just goes along with the same -- it's needed in order to keep the same subject matter, is that what you're saying?

>> Yes, it appears to us.

>> Kitchen: So I'm going to make some assumptions that the thinking -- you can help me understand, councilmember, but the thinking is that it is just a cost issue in terms of open space? From my perspective I think open space is really important and I'd rather be thinking in terms of if there's concerns about the amount of open space, then talking about that, but rather than reducing it down to 12. From my perspective where I sit, open space is a health issue, and I think it's -- I think -- I can't support it because I think it is a health issue and I don't want to sacrifice that

[4:01:38 PM]

for -- because of two units. So I wouldn't be able to support it unless I'm missing something about the meaning.

>> Harper-madison: No, I think you've spoken to the meaning which is there any use of losing the units for open space. I think this provision was probably intended for a larger multi-family as opposed to what ultimately is our missing middle. And I would lean in the direction of the more units we can produce the better off we are.

>> Kitchen: Mayor, I understand, but it's just a matter of where we want to put the balance. It's you absolutely critical -- particularly as we become a city adding more units, which is the goal we're trying to achieve, so that more people with live in the city at more affordable prices. And when we do that it's

[4:02:41 PM]

even more important to my mind to the health of the folks that are living in the city that they have adequate open space because -- I just consider that to be important.

>> Mayor Adler: Okay. Councilmember alter and then councilmember tovo.

>> Alter: Can staff please tell us what kind of things satisfy the open space requirement in the new code?

>> Councilmember, so for the product that we're talking about, the smaller multi-family, that would if this amendment passed would not have an open space requirement, you can do things like balconies, those can satisfy the open space. It doesn't have to be all on the ground floor or at a certain level. So it can be divided up into personalized open space. It just needs to constitute five percent of the site.

>> Alter: Yeah, I think

[4:03:42 PM]

that's -- we have these requirements because that space is needed and I think that as we densify that space is even more important.

>> Mayor Adler: Councilmember tovo.

>> Tovo: I wanted to clarify a couple of things. I think first with councilmember harper-madison, can you speak to the striking of subsection 2 and what the intent was there?

>> Harper-madison: It was my thought, my interpretation was this is that it shouldn't be applied to a larger multi-family like the clarification that was just offered. For example, balconies add additional cost,

a lot of additional cost, and we're not taking into consideration the setbacks that offer more square footage already.

[4:04:42 PM]

And so that just had to do with the clarification around what types of multi-family this was applied to. Because it says specifically here, subsection B of 23... A multi-family use with less than 10 dwelling units must provide. So yeah. Does that help you?

>> Tovo: I just wanted to hear your perspective on it.

>> Harper-madison: Right, I think I just provided it unless of course I need to elaborate.

>> Tovo: No, that's what I was asking for. My code book is upstairs. I want to verify what I understand to be subsection B.

-- I guess I would ask if we have park staff here to talk about the parkland dedication piece because this was -- this was a pretty long stakeholder process with a lot of conversation. It went through the parks board, it ultimately passed through council and there was a lot of -- a lot of thought and a lot of feedback and a fair amount of compromise that went into

[4:05:43 PM]

this, the construction of the parkland ordinance. And it was intended to make sure that as councilmember alter said, that as we continue to grow and densify as a city that we're preserving open space for people, including and especially those who are living within higher dense residential complexes. And so B isn't just about the balconies and open space, it also provides for a very small amount of open space for the owner -- for the residents of those smaller properties with the understanding that, you know, we are a long way from meeting our goal of having every person in this city live within a quarter mile walk of open space and of parkland. So it was in recognition of both the quality of life and that everybody enjoys -- everybody has a right to have that kind of open space and that it was not going to be roused in the market, but the market would not likely produce that open space for

[4:06:44 PM]

individuals unless required. So, you know, it troubles me a bit to see us relooking -- that was a fairly recent -- that was a fairly recent change to encourage the parkland dead -- it require the parkland dedication and -- what I would regard as a pretty significant change. So do we have anybody from parks

to speak to the philosophy that governed why we adopted the parkland -- why we approved the parkland dedication, including for smaller projects? It was scaled -- also the amount of open space was scaled to the size of the project. So striking B just eliminates it from those small projects entirely.

>> So is your question whether parkland is required for the missing middle three to 11 units? Is that your question? Parkland dedication?

>> Harper-madison: Are you saying parkland as we're talking about open space, I think it's important not to confuse the folks watching from home that we're not

[4:07:45 PM]

talking about parkland dedication, we're talk about open space on private properties here.

>> So councilmember tovo, that's right, the open space and parkland are separate requirements. I will say this and we flagged this in the last supplemental report that in council's direction at first reading you specified to clarify the applicability of parkland dedication requirements to missing middle housing and as we mentioned in our supplemental, we are still working on that so we anticipate by third reading having language that specifies the applicability of parkland and how that would apply to missing middle. We haven't fully landed on --

>> Tovo: Sorry to con gallaudet the two, but in one section Mr. Button prescribed one of the provisions, but a, it's like ABC or 123. One talks about open space that is common to all of the residents, I believe, is it

[4:08:47 PM]

five percent? I'm just doing this from memory. Could you please read that, Mr. Dutton for us? Because that is something that would also be removed from a requirement. It's not just that we're removing the requirement to have private open space in the form of if you're on the first floor some devil of private -- some level of private open space for each unit or on higher levels the balcony, but it's also the common space as I understand.

>> Right, as the provision is currently constructed that five percent could be apportioned in different ways. So whether it's by personal or balcony or just a single proposed space, all of of that is how we understand it.

>> Mayor Adler: Anything. Anything else on this --

>> Kitchen: Wait, I have another question.

>> Kitchen: I'm sorry, I'm confused because I don't have the section in front of

[4:09:47 PM]

me, 23-4--24d. Councilmember tovo was saying -- I thought she was saying something different than I thought I heard you say before. So can you read it to us? Is it long? I'm looking for it right now. I apologize that I left my code upstairs.

>> It's a fairly long --

>> Kitchen: Is it long? Okay.

>> It's a somewhat long provision, but a basically a speaking to plots with 10 or more units. And B is speaking to properties that have nine or fewer units.

>> So why are we deleting B then? Because we're -- that's not what I'm not understanding.

>> What we are understanding from councilmember harper-madison's amendment is that she's recommending that open space only apply to 12 or greater units and 11 or under that would

[4:10:49 PM]

include missing middle, would not be required to provide any open space.

>> Kitchen: But I thought you said subsection B applied to those smaller units.

>> But she's recommending we delete that higher section.

>> Kitchen: We're doing more than changing it from 10 to 12.

>> Yes, the a is changed from 10 to 12. So 12 or greater would require open space and the provision related to smaller number of units would be eliminated.

>> Kitchen: I'm sorry, but I'm trying to pull it up. Subsection B right now, right now, with no change, applies to eight units, right?

>> Right.

>> Kitchen: So we're now saying whatever is in B right now we're not applying at all. So we're doing more than just changing from 10 to 12.

>> Yes.

>> Kitchen: We're also saying you don't have to have anything.

>> Under 12, yes.

>> Kitchen: I think that

[4:11:52 PM]

goes behind --

>> Mayor Adler: Yes, councilmember tovo.

>> Tovo: I think it would be easier for I just showed the code book. The provision is actually entitled open space and amenities. And so if I could post this I think that would help me ask my question.

>> Tovo: Thanks, here is the provision we'd be striking, B, the multi-family use with fewer than 12 dwelling units. And the next page gives examples of what those are, open space and amenities.

[4:12:53 PM]

So I guess my question to staff, the patio or plaza, the play area, those can all count toward that five percent requirement of open space, is that correct? So sometimes it would -- is that accurate?

>> That's correct. I would just point out that the table that's being referenced on the screen is applicable to the larger sites.

>> Tovo: Right. Is it also applicable to B or no?

>> There's no reason that those things couldn't be done under subsection B, but they're not required the way they are for subsection a.

>> So what is then required so what is then required under subsection B. Just -- the open space being a minimum -- that b1, the open space being a minimum of -- just lost my place. The open space being a minimum of five percent of

[4:13:54 PM]

the gross site area of the property could be one of those things on the next -- you would have to design it so that it is one of those things. It could just be plain space, it could be allocated to the individual apartments or housing unit, condominium units or whatever the units are, but it could also be a play space or a patio, common gathering space.

>> To clarify, a where it's talking about for larger developments, that is common open space and so that's why things like landscaping, playscapes, things like that are considered part of that -- may not be landscape, but playscapes and community court yards, those all count towards the common open space, but for under 10 units the B, that's what we're considering personal open space so it's more intended as balconies, private yards, little spaces for the individual units. It's not the courtyard style that you would imagine with the larger development.

[4:15:02 PM]

>> Mayor. It wouldn't be that they couldn't build this public space, but it wouldn't be required on every lot, correct?

>> Thanks.

>> Mayor Adler: Ready to take a vote?

>> Alter: So reading this, part B replies in any case that's multi-family that has less than 10, but a only applies if the site is two acres or more, and the way we have our code set up you could get more than 12 units in two acres. So are we then saying you don't have to do it, open space in and you have two acres in 12 units?

>> So a1 you're right it says two acres, but then it says or part 2 multi-family with 10 or fewer units. So it's two acres or more or multi-family of any size that's got 10 or owe tone or more units.

[4:16:07 PM]

>> So it ends in an R.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I'm reading the code and to make sure I understand, what we're deleting is the requirement of an area of private personal open space. And then there's requirements of at least 100 square feet and 10 feet across and those kinds of things. That's what we're deleting, right?

>> Yes, as it applies to 10 or fewer units.

>> Kitchen: And -- okay. So that causes me even greater concern. I think people -- private personal open space is -- everybody has a right to that and I think that is important for the health of individuals and so I'm not going to be able to support this.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of this amendment?

>> Harper-madison: Do you mind if I real quick.

[4:17:09 PM]

According to the American institute for architects on small urban core lots this open space requirement will have a big effect on yield and that was ultimately what we were trying to get at with this amendment. Thank you.

>> This is all --

>> Mayor Adler: In this case, in this situation where we have so prioritized trying to understand density and supply and housing in our city, I support parkland, I support open space, I support that, but in this case, in this instance it's a choice, and right now I think the bigger threat to the health and well-being in our community is the loss of that in our community, the diversity and the housing supply. So it's an amendment I'm going to support. Any further conversation. Councilmember pool.

>> Pool: I wanted to say that we've had the debates on do we get housing or do we get parkland. We had achieved some

[4:18:10 PM]

agreement and compromise that it is possible in this town to do both. Austin can stand up and accept a challenge like that and actually do both things. I don't think you get -- we need to pick one over the other. This is really troubling and it goes back to my concern voiced last year that we were going to be losing significant parkland and open space, that the requirements for those would be diluted throughout and this is an example of where that's happening. We don't have to choose between the two. We can do both.

>> Harper-Madison: I'm not talking about parkland. We have to be clear about that. We can't confuse the general public.

>> Mayor Adler: Councilmember Kitchen.

>> Kitchen: I'm sure that Councilmember Pool meant to say open space. And to my mind that makes no difference because I think -- I respect everybody's point of view, I do, but I don't think we have to make a choice.

[4:19:11 PM]

I don't think we have to make a choice between people's open space and the ability to have sufficient housing at affordable prices. It's not a choice that I think we should make because the quality of life of every individual is important and that includes open space.

>> Pool: And I did say open space. And I chaired the committee on open space, environment and sustainability in the first year of this council and the reason why that name was chosen was because we were trying to look at them altogether. And some people don't even make the distinction in their home. They may have a patio that they see as a yard and it leads into somebody else's backyard and that's their parkland. The point is we don't have to choose between the two, but it is a challenge and that we are equal to their challenge and that we should not be sacrificing our open space for our parkland in the ways that we are clearly doing here. We don't have to do that.

[4:20:11 PM]

>> Mayor Adler: Mayor pro tem.

>> Garza: I know we're going to talk in similar, I guess, levels of disagreement here, but we have to -- we have to all believe that every single one of us is trying to improve people's quality of life, and it essentially comes down to policy differences and trade-offs, and very difficult trade-offs. So I just -- it's just really disappointing that we are having discussions about I'm for quality of life. No, I'm for quality of life. We're all for quality of life. I don't understand how you choose to sit on this dais -- excuse me, I'm losing this voice -- and not believe that every single person here is trying to do the best. So I just -- I just wish we recognized that as we continue to move forward.

[4:21:11 PM]

>> Anything else on this?

>> Kitchen: Yes.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I don't know -- mayor pro tem, I don't know -- I appreciate that statement. I think that's an important statement and that's what I thought I was saying. And because I did say that I respect everyone's opinion and thoughts on this and just for me personally I'll be careful to try to say that. I don't think if you were thinking of something I said or something else. We do all have to respect our opinions, but -- and we're going to have differences of opinion and that's not to attribute any negative motives to anybody.

>> Mayor Adler: Let's take a vote. Those in favor of harper-madison 4 please raise your hand. Those opposed? Pool voting no, kitchen voting no, alter voting no, councilmember tovo voting no. Others voting no. It passes. That then gets us to Casar

[4:22:12 PM]

2. Councilmember tovo, had you a question about this?

>> Tovo: Yes. I'd like to ask the councilmember, this would seem to be allowing nhcd to alter the in lieu fee. Is that accurate?

>> Casar: That's right, I want to give nhcd to set the in lieu fee at the place they think they can get the most in lieu fee. So seeing as the fees in lieu are in the hundreds of thousands of dollars in some cases, I

want to make it really clear in the code that nhcd if somebody is just asking to get one more unit in the bonus can ask for a certain amount. And if somebody is asking to do three units in the bonus that they can ask for more and scale that appropriately rather than having one -- I want it to be as clear as

[4:23:13 PM]

possible in the code that you shouldn't have just one fee regardless of whether you're going one or three or four units into the bonus for it to be proportionate and for staff to be able to do that. So we don't end up with folks not getting the -- zero dollars and not getting the most out of the fees.

>> Tovo: I think I need some clarification then because when I asked the other day about what a fee-in-lieu about a particular project, one of you and I appreciate it, gave me a fee scale that was calculated one unit was X, two units was X, three units was X was that not the way it's drafted in the code?

>> Erica leak, neighborhood housing. So I think different fees based on the number of bedrooms, not the number -- it's a different fee based on the size of unit, not the

[4:24:15 PM]

number of units. So the fees range from 100,000 something for a bun bedroom up to 400,000 something for four or more bedrooms. With a proportionate bedroom count requirement depending on the number of bedrooms that are in the other units in the building, the affordable unit has to match that and so that's how the fee would be determined, but in the missing middle areas there's always a minimum of one required on-site if it's in the equity area or potentially a fee-in-lieu elsewhere. But it could be that someone might want to build just five units, but if they had to pay the fee-in-lieu, the full fee-in-lieu, it would be a high amount. So I think the proposal is if they're only doing one bonus unit it would be a

[4:25:16 PM]

smaller fee, but if they were doing three it would be a larger fee. And if they were taking the whole bonus, it would be the whole fee. That's the way I interpret the amendment.

>> Tovo: Could we see that sheet again that one of you shared with me the other day so I could see what the councilmember is proposing? Councilmember Casar, are you suggesting that staff come back to wuss a proposal that scales those fee-in-lieus or are you suggesting that we build in flexibility so that ncd negotiates it project by project?

>> I think that they should have the appropriate scale and I don't think that the scale has to be exactly in exact proportion. It doesn't have to be a fourth of the fee for one unit and a full fee for four. I want to give them the discretion to be able to set that fee table the way that they think will get us the most affordable housing

[4:26:17 PM]

money.

>> Tovo: Let me clarify. Are you directing the staff to come back on third reading on a scale that is proportional in the way you described or are you asking them to build into the code a process where they would set it project by project?

>> I don't think that they can do it -- I'm not asking them to do it project by project, but under the current code they actually have it area by area how much the fees are set. So I want to give them the discretion to have a gradient of fees in a way that gets people into the bonus, but asks folks to pay in as much into the affordable housing fund as possible sort of with those two goals in mind.

>> Tovo: I'm sorry, I'm still just not understanding. I guess at the end of the day I feel we should be voting on a proposal with some certainty of what those fees are going to be. So --

>> Casar: That's fine. I would ask them to develop what they can and that they regularly update their fees. What I am asking for is if the fee is \$250,000 at the

[4:27:17 PM]

first unit and \$250,000 at the second unit, it's the same fee whether you go one unit or two or three. That it might make more sense for it to be less on the -- for one and more for two and more for three. That's currently not how it's laid out. You don't have to pay more if you're going to the bonus. It's just one amount so it doesn't incentive people to go into the bonus as much and it doesn't ask for greater [indiscernible] As you go further in.

>> Tovo: I'll have to look at the table again. I think I would want to suggest an amendment. Would you be willing to table this until we can see that information?

>> I have no problem with tabling it. I want to get through as many as we can and if tabling it gets it back quicker, we can table it.

>> Does it also address the situation where there's a certain number of units that you built and then you get an affordable number out of it. And if you don't build the

[4:28:20 PM]

full complement that would be used to build the additional unit you're caught halfway in between. You can't ask for the affordable unit because you're not building enough audience to be able to justify that additional one. At the same time I don't want to stop the building. And if they build halfway toward that, at least we only get half of the money rather than not getting anything because they didn't reach the next -- weren't able to reach the next benchmark.

>> Casar: And we're trying to make it really clear that we want neighborhood housing to take these fees and buy-down units in the missing middle because we know that's is from what's basketball shown to us in work sessions and that you often need nine missing middle units until you can get 10 affordable. And if we have a lot of projects that are five or six I would like to get that money to be collected so that we get as many on-site units by or affordability bought down by nhc.

>> Mayor Adler: Councilmember tovo.

>> Tovo: Something you said, just to be very clear as we talked about last week at the pork session, there

[4:29:21 PM]

is no on-site requirement for transition zoning if it's outside the vulnerable areas. So in the high opportunity areas where we've mapped rm1 there is no requirement that that unit at number 10 be on-site. I believe I have an amendment here to adjust that. But right now that on-site requirement applies in our vulnerable area. It doesn't apply in other parts of town.

>> Casar: I said something different than that.

>> Tovo: No, I was talking about the mayor.

>> Mayor Adler: I wasn't saying anything about on-site or off site. I was saying I want to be able to charge money for affordability in as many more places as I can. And if we have a greater opportunity to be able to build up that bank by being able to get partial as opposed to waiting until you aggregate enough to have them all, I want our city to have the ability to be able to get some of the partial monies too.

>> Tovo: As I understand

[4:30:21 PM]

what you're describing as the intent and what the mayor is saying, I think I'm in agreement. What I -- what I would like to see, though, is certainty that we would be approving an actual table with those

graduated amounts. Without sort of seeing that in the amendment I can't be sure, but I think as I understand your general approach I could probably support it.

>> Mayor Adler: I think the table changes over time. As we recalibrate without changing the code. The code gives the staff the ability to charge the fee and over time will calibrate it to give the max amount we can get in any particular situation.

>> Tovo: I think we have to understand before we approve the code what scale we're talking about. Are we talking about a 10,000-dollar contribution or 150. I think before we vote on a code that is implementing a housing density bonus

[4:31:21 PM]

program in multiple, multiple parts of town, I think we have to understand what the scale of that bonus is going to be. So each if all we're doing is looking at the first table with the understanding it's going to be calibrated annually, I think we need to understand. And the staff as a mentioned before have put some real numbers on that.

>> Mayor Adler: I just didn't want to leave money on the table. I didn't want somebody to do six units and us not get anything because they did nine units. And so they didn't get to the whole and therefore we didn't get anything at six units. And just-- I'd just as soon be able to give them the ability to get something that they only do six units even if it's only one fifth of what we would have gotten if they had done 10 units.

>> Casar: Are you able to bring this back to the table?

>> This is the slide from the presentation last week which includes the fees based on the number of bedrooms. My general thought in terms of methodology would be that

[4:32:22 PM]

if there are -- if they would only be providing, you know, one bonus unit it would be one -- it would be some percentage of it and it would go up as more bonus units would be used. In terms of how the fees would be set, they would be adopted by ordinance at the same time that the code is adopted. So the idea is that council will be approving these fees and then eventually as they're recalibrated they would be adopted as part of -- potentially as part of the fee schedule. So council would be adopting new fees over time.

>> Casar: So could we pass this with the wording on third reading you would bring us back the fee table?

>> Yes. That would work for us.

>> Casar: I don't know if it has to be as segmented as you said. I think you guys can think about whether that's the right way to do it in a

[4:33:22 PM]

standard gradient or if it might make sense to make a clean break at certain units because we want to get as much money as we can get.

>> Mayor Adler: Yeah. And what happens if somebody builds a certain number of units so that what theta required to do is provide two, two and a half units. What happens then?

>> I think that would be something -- well, the way it works now is if any portion of an affordable unit is required it would roundup to the next full affordable unit.

>> Mayor Adler: But you're setting your dollars so as to make it so that you're getting the most you can possibly get. So in order for them to be able to pay for the third unit, there's a certain amount they need to do. And if they can't build that much, then they can't pay the third amount. So they're not going to be able to do that, but clearly they could pay -- so they're

[4:34:22 PM]

going to stop at two, but I don't want them to stop at two, but I recognize they can't build half a unit, so I want them to build the two and then I want them to pay me for the other half, figuring that if I have two people that each owed me two and a half and they each paid me a half rather than each of them building to two, it would be two and a half, I'll get the money for that additional half and then I'll build down a third unit with the two halves. But staff has the ability to do the proportionate flew and that's what I -- fee-in-lieu and that's what I saw this as, councilmember tovo, it wasn't getting anybody out of any obligation, it was helping to make sure that we get paid every bit we could be paid based on the effort and the calibration that the staff was setting. That's why I'm supporting it.

>> Kitchen: Mayor.

>> Mayor Adler: Councilmember kitchen.

[4:35:22 PM]

>> Mayor Adler: Yes.

>> Kitchen: I think I can support this. I think what we're doing is providing more option and I also suspect that would come back to us as you said and the fee will come back to that. So I think the approach we're

talking about sounds like it can be a very helpful approach, understanding that people will all want to see what you come back with in terms of a scaled approach.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: Since I appreciate the intent and I would support this, I would ask if we could make sure that we're also getting some analysis of what this does for actually getting the on-site. I don't think we know that in all areas of town since as this amendment only applies to r4 and rm1, you are only required one unit in rm1 so there is no half unit issue at least from the base that we're starting. So I want to make sure that we're not setting it up so

[4:36:24 PM]

we get less units on site so it's not true everywhere that it will take a ninth or tenth unit. There are some places with fewer, depending on how you set up the units, that you could justify it, and depending on the size of the lot. So I think that -- I don't know what the appropriate thing would be, Mr. Casar, but if it would say make sure we're not going to lose our on-site in doing this because you could imagine a scenario where you're going to pay your fee and not have an on-site way and you get out of it that way, which I don't think is what we want to incent.

>> Casar: I think the goal is to get as many on-site units and as many affordable units as we can get. And if it always worked towards that sort of goal, but I think we have some unanimity that we try not to leave anything on the table with these bonuses.

[4:37:28 PM]

>> Tovo: I would like to talk about language we could use on third reading with an actual proposal to do that.

>> On third reading bring back fee ordinance.

>> Tovo: [Indiscernible] Etcetera, etcetera, and it picks up there. I guess one thing too that I want to understand is the way this interacts with -- what I don't want to do is disincentivize the number of bedrooms so that people are building much smaller projects which your amendment may actually help with. And so I think that those could be a very helpful direction, but if we could do a little bit of thinking about that particular element.

>> Mayor Adler: Let's take a vote on this item with that change. Those in favor of Casar 2, please raise your hand? Those opposed? Fans unanimous on the dais. That gets us to kitchen 1.

>> Kitchen: Mayor, and for everyone on the dais because

[4:38:28 PM]

I know you're dealing with lots of pieces of paper, I passed out and also posted earlier an amendment to it. The amendment I posted incorporates the language that the mayor had proposed, the same language that he proposed. I didn't make any changes to it. So you should have that in front of you on a yellow sheet.

>> Mayor Adler: Okay.

>> Kitchen: Mayor, I think you were the one that pulled it. Wanted to get this amendment on.

>> Mayor Adler: I will support your amendment. Discussion.

>> Ellis: I have a question about it. I see what you're coming from and agree with the sentiment, I agree with the bullet points being overprescriptive on what staff would do. It seems like they touched on it in the work session and touched on the direction so I would be wondering if you would be open to a friendly amendment just to strike the last sentence to

[4:39:29 PM]

achieve this intent and kind of give them a little more leeway to achieve the same goals. I wanted to make sure they could do what they needed to do to make it work. I'm worried about the bullet points maybe pushing staff into a space where they're trying to achieve our policy directives, but at the same time trying to achieve the proper calibration.

>> Kitchen: That sentence is the mayor's sentence and I think it was -- it reads to achieve this intent staff should consider without limitation in the term without limitation, mayor, I think you meant to say that these were just -- in other words, the staff could certainly consider other approaches. Is that meant when you say without limitation?

>> Mayor Adler: Let me take a look at this. What I was concerned was -- quite frankly, as I sit here we've gone through this a lot in the discussion. I'm not sure how staff would do any of these things and still not materially reduce housing capacity or

[4:40:29 PM]

significantly change compatibility. So from where I sit I don't know that you could come back with anything. I think there were some things that were discussed that in my eye would substantially change my mind, which I would not support, or substantially change compatibility, what I also would not support. So my intent to put this was to make sure that to the degree they were considering these things I didn't want them to materially reduce housing capacity or significantly change compatibility. If

they can come up with a way to do that I'm happy for them to take a look at that. But I think that consistent with the direction that we gave in may to folks that are the priority here is to make sure that we're achieving that supply and density along the corridor.

>> Kitchen: Could I speak to that, mayor? These were discussions that

[4:41:31 PM]

we had and -- suggestions that we had and none were to change compatibility, the height on compatibility. So it's simply to address the circumstance where we have a zero lot line wrapped around a house. So I think the staff could probably use -- let me just ask the staff. Do you understand this language to give you flexibility to consider more than just the three bullet points.

>> Yes.

>> Kitchen: Okay. So councilmember Ellis, if that's all right with you, I think that the language that we have sufficiently addresses any concern about -- and I don't think this on owe this language is designed not to limit what the staff considers and I think I'm hearing them say that they're interpreting it as not limiting what they consider. >>

>> Ellis: And I can

[4:42:31 PM]

certainly appreciate that. I'm not considering it being prescriptive. My fear is on third reading we'll see that it specifically says in this bullet point. I would be more comfortable to strike the last three bullet points in the sentence leading up to it. If we want to take a vote or if no one wants to second that I completely understand that. Everyone has their own perspective on this, but that would be my preference to move to strike this language. I think we're all trying to head to the same goal.

>> I cannot strike these three bullets. And I don't think it's necessary to do that. This language is not prescriptive. So -- it's not prescriptive at all. It's just giving examples -- if it feels descriptive to you, perhaps we could change the language that the mayor included without limitation if that's not clear, but I

[4:43:32 PM]

can't support deleting the three bullets because I don't understand -- it's just examples for the staff to consider.

>> Ellis: I think we are trying to get to the same place. I think it's still prescriptive. I'd like to make that motion and if I don't get a second or get the votes I'm not personally offended by it.

>> Mayor Adler: Councilmember Ellis makes the amendment to strike the intent and what follows below that. Is there a second to that amendment? Mayor pro tem seconds that amendment. Discussion? Councilmember tovo.

>> Tovo: I'd like to suggest some language changes that maybe allow us to get to a consensus on this. What about striking to achieve this intent and saying staff should consider the following amendments along with any other recommendations they find relative. Would that help so that it makes it extremely clear

[4:44:32 PM]

that we want you to consider these, but any other recommendations you might have as well so that they get a review, but they can also bring forward other recommendations. I don't know, councilmember kitchen, if that preserves your intent.

>> Kitchen: That would work.

>> Mayor Adler: For me the words were to achieve the intent because it is to do it in ways that don't reduce mousing capacity or significantly change compatibility standards. And so I wouldn't want to take out to achieve this intent because that intent I think is really important. I'm happy for them to look at this other -- look at these kinds of things so long as they are mindful of that intent. So for me -- I would vote for this as I presented it in part because it includes those words to achieve this intent.

>> Kitchen: Perhaps the other part of what councilmember tovo has suggested staff should consider the -- I forget how you said it, the following as well as others. How did you say that?

[4:45:33 PM]

>> Tovo: I said staff should consider the following amendments along with any other recommendations they find relevant. To me the two achieve this intent sort of belong to the previous sentence. It was really because the amendments are really about achieving the intent expressed earlier in the behalf. So I was trying to soften what sounded like -- what sounded to some of our colleagues as too prescriptive and so again that would read staff should consider the following amendments along with any other recommendations they find relevant. I'm not clear what that refers to because it's in the previous --

>> Mayor Adler: So I would support that if we included the words to achieve this intent. To achieve this intent, consider the following amendments with anything else they find relevant. But for me again, the emphasis on this and my concern and what staff presented to us the other

[4:46:34 PM]

day was I thought that you were potentially opening the door for materially impacting supply or substantially impacting compatibility.

>> Kitchen: Mayor?

>> Mayor Adler: So that was my concern.

>> Kitchen: Mayor, I will keep in keeping in the amendment for this intent staff should consider the following amendments along with any other amendments they consider appropriate.

>> While keeping in bullet points?

>> Kitchen: While they're important, I think it's important to keep them. I'm happy to -- I would like to keep them.

>> Ellis: I'm happy to take the vote on the motion that's been seconded. I'm mostly concerned about down zoning r4 to r3. I really want staff to have the r3 leeway on this, but if the votes aren't there,

[4:47:35 PM]

the votes aren't there, but I am comfortable with the way it is with councilmember tovo's too.

>> Kitchen: It's the second bullet causing you concern?

>> Ellis: It's all the bullets and the overprescription.

>> Mayor Adler: Without objection I'm going to change the base motion and then we'll vote on the motion to take and strike everything after. But I would say now to achieve this intent, staff should consider the following amendments along with any others they believe to be appropriate. And then it has the bullet points. That's where the base motion is without objection. Councilmember Ellis is suggesting that we strike everything beginning with to achieve this intent. Let's vote on councilmember Ellis's amendment. Those in favor of councilmember Ellis's amendment please raise your hand? Harper-madison, Renteria, the mayor pro tem and Ellis. Those opposed please raise your hand? It's the balance of the dais. Let's take a vote on the matter as it appears.

[4:48:36 PM]

Those in favor please raise your hand. Those opposed? Is that everybody? All right.

>> Ellis: I'll go ahead and support it, but if we come back and it's overprescribed I'll mention it again.

>> Mayor Adler: I think can you look at the vote that occurred on the dais and understand the purpose of to achieve this incident tent and the discussion that occurred on the dais associated with it. Let's go to the next item, kitchen 2. Councilmember Casar, I think you pulled this one.

>> Casar: Yes. My understanding is that staff already incorporated some level of screening requirements that are similar to what we did on affordability unlocked on these. So I would be interested in what staff has to say, but I think that some of these

[4:49:38 PM]

distances for dumpster placement seems very challenging for things like missing middle. I would be interested in what staff's take is on the additional screening requirements.

>> Councilmember, we do have concern that the proposed distance requirement of 50 feet is too large.

>> Casar: And I have that issue along with a few others so I would be voting no.

>> Mayor Adler: Further discussion on this amendment? Councilmember kitchen.

>> Kitchen: The 50 feet was something that we just proposed. I'm certainly open to changing the 50 feet or to suggest -- or to asking the staff to come back with another -- another feet. We just felt like the 15 feet was not sufficient so I would be happy to consider an amendment to change that if that's what you would like to do or ask the staff to come back with

[4:50:39 PM]

another approach. But would that be -- would that work for you, councilmember Casar?

>> We dealt with this on I think in may and then again on first reading. And I feel comfortable with with where we are on the screening issues relating to missing middle for now and I think some of the noise issues and other things are more criteria manual issues related to a time and that sort of thing. And so I'm satisfied with how the staff did add some additional things and so I don't think I'm prepared today to start adding new screening requirements to missing middle.

>> Kitchen: So is what you're saying then -- you know, this is designed to address existing problems that we have that many in our neighborhoods have right now that are not addressed like the noise level, for example, and the collection times for dumping. I hear from my constituents

[4:51:40 PM]

all the time and there's limitations on what the staff has in the ability to address that. So the current code, proposed code does not address noise level nor does it address collection time. So I think that it's really important as we work towards more density on the corridors, which is something we all want to do, we need to pay attention to the relationship between that and the people living next door. So I want to understand what your concern is so perhaps we could -- I'm not understanding what your concern is. If it's the -- if it's the exact language then we could certainly talk about how to deal with the language or if you want to -- or if you -- what would you find

[4:52:41 PM]

acceptable because right now it's not addressed at all.

>> I think if the staff wants to speak to what they've already done and why they set it at this level that could be helpful because we've asked the questions ourselves and we saw the staff step up on screening in new and additional ways and I think that these other levels start getting more into design requirements, more than other elements that I think just go beyond what we asked for the first time.

>> Councilmember, in the current draft what we were attempting to do is find a screening and requirements related to screening that applies citywide. In the current code they only comply with compatibility is triggered so we're looking for something that would work on -- for screening on any property regardless of compatibility being triggered and that's how that applies in the draft

[4:53:42 PM]

code. The proposed amendment appears to have provisions from east Riverside corridor, which are related to when compatibility is triggered so they go farther than what's in the proposed code, but we felt that the proposed code really has the best -- it goes farther than the current code, but it's not related to compatibility, it's just always applied regardless of proximity between properties. And regarding the decibel level, we do have something in the code regarding the allowed decibel level, it's just not in the land development code number 23, it's in title 9 and it applies citywide regardless of what's causing the impact. It's not specific to dumpsters, but -- or garbage pickup, it's just a citywide requirement.

>> Mayor Adler: Okay. Further discussion on the amendment?

>> Kitchen: I have another question. So what we're proposing then is the noise level of

[4:54:43 PM]

mechanical equipment may not exceed 70 decibels at the property line of a triggering property. So is that what you're -- what you're saying is in title IX?

>> Correct.

>> Kitchen: Does it cover everything that's covered here?

>> I believe so. In title IX it doesn't speak to those things specifically so we might have to look into that to make sure that those things are covered, but that title is -- has citywide applicability.

>> Kitchen: Okay. I think what we've experienced is difficulty applying that in working with neighbors. So let's look at number D then. So D talks about the time period for collection on dumpsters. Is that in title 9.

[4:55:46 PM]

>> I don't believe so.

>> So that's a new section. And right now there's not -- am I understanding right now that there's not the ability to speak to the teams during which dumpsters operate right next door to where people are living.

>> I think it's only to extent that people would be affected by the noise of of that operation. But the code doesn't speak to the operations of the pickup itself or the timing of it.

>> Kitchen: Okay. So then the other -- okay. So one other question then. There's more to this -- there's also on the items to be screened, I have added -- it says an exterior shopping cart storage area, but you may have other commercial

[4:56:47 PM]

storage areas that are located adjacent to single-family development, not just shopping carts. So do y'all have any concerns about that language?

>> Staff doesn't have concern about that particular item.

>> So that language makes sense. And what about language under 2a. Where it talks about -- it gives a little more detail about the screening. I think>> I think our concern is with the word fully contained.

>> Kitchen: Mayor, I think

[4:57:48 PM]

what I'd like to do is it sounds like there's room for more discussion if councilmember Casar is open to more discussion on the message board. I would like to see if it's possible to reach some consensus on this. Assuming councilmember Casar is open to having a conversation on the message board about it.

>> Mayor Adler: Do you want to table this for now?

>> Kitchen: I'm asking him if --

>> Casar: I think given that the number of amendments we have, if we exchange some on the message board and talk to the staff between here and third reading I think that could work.

>> Kitchen: Well, I think I can figure it out today, but regardless.

>> Casar: I would rather talk about it between now and third reading because I think we have between six and seven minutes to get it figured out today or tomorrow.

>> Kitchen: I think I would like to vote, but if it fails I would like to take you up on that. I think what I'm trying to accomplish here is to

[4:58:49 PM]

address an existing issue that we have already. With dumpsters in particular particular. And we've been working closely with staff on that and staff hasn't had the tools to address those situations. Situations. So I think it's really important that that's the goal that we are trying to achieve. Okay?

>> Casar: Okay.

>> Mayor Adler: Those in favor of kitchen amendment 2, please raise your hand, councilmember kitchen, alter, pool and tovo, those opposed. It does not pass.

>> Tovo: Sounds to me like if there's a willingness from some of our colleagues to consider it with some edits, I would say that I appreciate the suggestion that it be worked on between second and third reading, but, you know, the more -- the more we can really address in this second reading, some of the concerns that have been raised by the community, the better. So I would -- I would ask --

[4:59:53 PM]

councilmember.

>> Casar: If there's some language that you could proposal that you would do it between tomorrow and today or whenever, so we can try to come to an agreement on that, if possible.

>> Mayor Adler: There's no limitation to people bringing up new additional amendments.

>> Councilmember harper-madison?

>> I was going to say, this is one of those times remember when I asked do we need to specifically raise our hand if we were also pulling the item. This is one that I was also pulling. What I can appreciate councilmember Casar's contribution to the dialogue, the language that's sort of being proposed to be massaged wouldn't assuage my concerns. I don't think it's getting us to a point of consensus today. I appreciate that councilmember Kitchen is willing to consider it coming back at third reading.

>> Mayor Adler: Colleagues, it's 5:00. We were going to take a break until 7:30. The question came up earlier about whether -- whether we wanted to go 11:00, as I had

[5:00:54 PM]

earlier suggested we keep our calendars open for. Councilmember Alter was suggesting when we come back, we only go from 7:30 to 9:00. Does anybody want to discuss that?

>> Mayor, I think before we got started, I thought we agreed that time was fine.

>> Mayor Adler: I don't think we had that conversation.

>> Alter: You and I talked before --

>> Kitchen: We said 10 was fine.

>> Alter: We had the conversation before we started, you said that you would be okay with that.

>> Mayor Adler: It's not just up to me.

>> Alter: I understand that.

>> Mayor Adler: Up to that point -- [multiple voices]

>> Alter: I would propose 10:00 instead of 9:00.

>> Mayor Adler: I also said let's see how fast we move through this, we're obviously not moving through it very quickly. There's a proposal that we stay until -- that we -- that we change it so that we leave at 10:00. We go from 7:30 to 10:00.

[5:01:54 PM]

Anybody want to discuss that? I want to be clear that I'm understanding what our choices are here, are we staying until 10:00 or 11:00, those are the options, correct?

>> Mayor Adler: I think that's the question. And I would be amenable to staying to 10:00, but I want us to adjust the amount that we debate or the number of questions that we ask. I would like to have some assurance from the dais that we're -- we're all going to be trying to -- to make sure that we

can get this done on Thursday. Which is the day when we have the whole day set aside. But I would like to see us be able to do that. Councilmember Renteria.

>> Renteria: I agree with you. I set my schedule up to stay here until 11:00. I'm flexible. But I did -- I did schedule my whole day today and tomorrow to be -- with the anticipation that I was going to be here until

[5:02:55 PM]

11:00. But if there's -- if my other colleagues decide that, you know, they want to -- they want to cut it short, that's fine with me.

>> Mayor Adler: Councilmember Ellis? Councilmember Ellis I would also be okay to stay until 11:00 since it was previously discussed. It just takes us a lot of time as we stop and start and stop and start. We'll have more speakers tomorrow, I'm sure. So I really want to just -- just roll up our sleeves and get through this. We're on page 4 of 19.

>> Mayor Adler: Further discussion? Councilmember tovo?

>> Tovo: Yeah, I'm going to have to go because I'm going to be late to this meeting here in a minute, but I think one of -- yes, we agreed to this schedule. I would say it's absolutely exhausting and we've got to be back here tomorrow at 9:00 and not only that, our staff and y'all and lots of other city staff that support us do as well.

[5:03:55 PM]

So I think ending at 10:00 is -- would be a great compromise. I guess my question councilmember alter, councilmember kitchen, we want to discuss this at length. You can feel on the dais a lot of issue that's we decided -- that we decided in past times are not items that probably most people are going to want to consider and rediscuss or redebate. Can you help me at all with -- with any measure of -- of indication or joining in trying to get to move more quickly than we have been moving?

>> Kitchen: Mayor, mayor, here's what I would say. I'm certainly willing to stay as long as the -- as the council desires. The suggestion was simply one of recognizing that we don't do our best work in the latest hours and that we are coming back at 9:00.

[5:04:57 PM]

In the rest of council doesn't share that, that's fine. I'm certainly happy to go with the majority and I will do with what the majority wants. But -- but I have to say, I don't know that you intended that, but

nobody here is trying to slow down the process. Everybody is asking questions that are really important. We need to understand what we're doing. And I think that's all that's happening here.

>> Mayor Adler: Mayor pro tem?

>> Garza: Is tomorrow -- what is -- tomorrow for some reason it's on my calendar until 6:30. Is that a hard stop?

>> Mayor Adler: There is no stop tomorrow. We haven't agreed on a stop tomorrow. I had asked people to be prepared to go to 11:00 tomorrow.

>> Garza: I'm fine with 10:00 tonight. With the understanding that we may go until -- that may

[5:05:57 PM]

force us until later tomorrow. I'm fine with 10:00.

>> Mayor Adler: Councilmember Casar?

>> Casar: I would like for us to try to get through -- get us close to the halfway point after two days as we can. So that in the third day we can get through the -- the half or more. That means if we try to -- to just -- I'm not necessarily proposing that we cut ourselves off, but that would mean just from some quick math here that we set a guide post of seven to eight minutes an amendment. That will get us somewhere in the 40 to 50% through the document range. So if we can get to -- I'm not saying that we cut each other off. I'm actually -- you know, I've had questions, that sometimes extends us. I'm saying if we want to try to keep a decent clip and not be here really late tomorrow trying to get close to halfway done would be great. Just try to get to a seven or eight minute amendment --

>> Mayor Adler: For --

[5:06:58 PM]

>> Casar: With that -- that's 10:00 P.M. -- That calculation is if we stick to a 10:00 P.M.

>> Tovo: Councilmember Casar. I think that's a fine goal. I think having those goals are helpful, it's helpful just to kind of keep us mindful about it. But I just want to say I'm going to ask the questions I need to ask, so that I understand. There have been multiple times in the course of yesterday where it wasn't at all clear what the amendment was and had I not asked questions of staff, I'm not sure that the public would have understood the impact of the amendments. So I just have to be honest about it. I would love to go home at 10:00 today. But, you know, I'll stay here until 3:00 in the morning if I need to and get up three hours later with my kids. I've done it multiple times. I don't think that's the way we should conduct our business. I think that we should set schedules that are reasonable for the staff who

work for the city, that are reasonable for the colleagues who sit on this dais and their families, but I'm going to do what I need to do to ask questions and make sure that I understand what it is that we are

[5:08:00 PM]

voting and, again, the impact of the amendments that -- that as a council we're collectively bringing. I will say in the course of some of those conversations we have reached some consensus on some points that we might not have otherwise. So I think it's valuable. My goal for this process is that we land on a code -- a code revision that represents a consensus of our community and our council and -- and really the only way we can do that is through conversation and through active listening.

>> Mayor, I hear there's agreement to go forward with 10:00 P.M. I want to be clear that my request was not my availability until 11:00. It was hearing from several staff members that turn around and the pace that we've been going on with having six days, six business days to review, that we didn't feel like we would be doing our best work and it was trying to address concerns of employees in that regard. So I just want to be clear

[5:09:01 PM]

that that was the intention and I do believe, as in past cases, the first section on the zoning is the most complicated and the place where we have the most challenging discussions and that the other parts we may not all agree, but it is not as complicated as in the past. We have seen that. We've moved more quickly once we get through that first section. And I would anticipate that would be the indicate with this version as well.

>> Mayor Adler: There's -- councilmember Renteria?

>> Renteria: What time are we discussing about coming back?

>> Mayor Adler: 7:30.

>> Renteria: 7:30, thank you.

>> Mayor Adler: Seems to be a consensus to stay until 10:00 tonight and I'll say just as we're divided, I think staff is probably divided, too, apparently. I've had staff reach out to me and say please, please, please do everything that you can to get this done this week. I'm trying to do that, too. So I think we're all trying to -- to work with one another all in the best place. So we will go until 10:00 tonight and let's see how quickly we can work, make sure that we get this done

[5:10:03 PM]

tonight and tomorrow. With that, at 5:09 P.M., I recess until 7:30. Of.

[Break].

[7:39:56 PM]

>> Mayor Adler: All right. We have a quorum. Continues to be February 12th. We're still in the city council chambers. We're all here but one. Let's go ahead and get started here at 7:38. If we have anything that comes down to a one vote differential, we'll hold it. Let's continue on where we were, see if we can keep moving. Check me. I think we're at the top of page 4 of 19. Which I think is kitchen amendment 3. Councilmember kitchen proposes kitchen amendment 3. Any discussion?

>> Kitchen: Do you want me to

[7:40:56 PM]

Speak to it? No?

>> Mayor Adler: If you want to. We could just go to a vote.

>> Kitchen: Well, I want to know if anybody has any concerns about it.

>> Mayor Adler: It was pulled by Casar-Harper-Madison.

>> Kitchen: Well, while you all are looking at it, I can just say briefly what it's about. Would that be helpful?

>> Mayor Adler: Let's see why they pulled it.

>> Kitchen: Okay.

>> Casar: I think that staff putting this missing middle housing along these bus routes makes sense and so that's why I'm not for it.

>> Mayor Adler: Okay. Councilmember Kitchen?

>> Kitchen: Yes. I'd like to ask what you mean by these bus routes. The reason I brought it is bus this is referring to local bus routes. I was thinking our policy was that we would map along frequent bus routes, which is what the transit priority network is.

[7:42:00 PM]

This is a local but route that doesn't have -- this is just an example. My amendment is about the bigger picture. I thought it might be helpful to give you all an example. But we don't have a policy right now to map along all local bus routes. So -- and what this amendment does, it's really referring to streets that are not on the transit priority network, they're not a frequent bus route, and there's no plans for credit investment and no plans for increased frequency. So my thought was, mapping on these kinds of streets was not in alignment with our policy direction. And it also -- because it's done -- our staff hasn't had the opportunity of planning, it's adding density without understanding the dynamics of what's happening on this street. This particular street of Westgate is already challenged

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from a traffic standpoint and we don't even know if it can handle transit. It also has -- it's single-family homes facing on the street, so you've got sidewalks right after -- I mean not sidewalks, you have cuts, driveway cuts all it. So the amendment just says it's along local bus routes that we don't -- I think this bus is every 30 minutes, and I confirmed with capmetro that they have no plans, but they said route 318 is one of the newest cross town routes, as a result of cap remap and it's serving about 780 daily weekday riders. There are currently no plans to change its service. By comparison, other routes that operate -- it operates every 30 minutes. There's no plans to make it a

[7:44:03 PM]

high frequency route. To my mind, it doesn't fit -- I know we're trying to keep with what we're calling, you know, broad policy criteria and that's how we're applying our mapping so it doesn't fit. And so my suggestion is to do some planning. We need to coordinate with capmetro. And look at current and future mobility plans to inform our planning process. So I don't understand what the rationale is in line -- what's the broad policy rationale for mapping places like this? So that's the reason I brought it.

>> Renteria: Mayor, may I ask a question?

>> Mayor Adler: Yes.

>> Renteria: I'm just a little bit concerned about the -- what would happen if it happened that it starts to redeveloping?

[7:45:05 PM]

Because I know some of these homes are older homes also, but do you think that would increase the frequency, that if there was more ridership, or --

>> Kitchen: Well, right now they don't have any plans to they could in the future and that's why this says that we should be coordinating with capmetro's planning.

>> Renteria: So you're saying that in the future -- what would it take to convert it back to r4 if growth --

>> Kitchen: Well, if our rationale, if our -- I forget what the term was, that we immediate to have, you know, broad rationale for where we map, if our rationale is what I thought we had said before which is the tpn's, the high frequency routes, then if it became a high frequent route or if capmetro planned for it to be a high frequency route, then that would be -- you know, that would be -- would fit within our broad policy

[7:46:07 PM]

criteria. But right now they have no plans for it. And so this just says any -- you know if we're going to upzone along transit routes in the future, it says we should coordinate with capmetro and use current or future mobility plans, you know, to inform that. We have local bus routes all over the city.

>> Renteria: Oh, yes. And I have some in my district.

>> Kitchen: Yeah.

>> Renteria: But I jut want to give you a scenario and see how it would work.

>> Kitchen: Yeah.

>> Renteria: If you had a single house bungalow on a 10,000-square-foot house, are we going to leave it r2 or are we -- right now it's designated r4. So how would we handle lots like that?

>> Kitchen: Well, I would -- my thought would be -- I have to ask the staff, but we just do equivalent zoning until such time as we have a broad criteria for upzoning I

[7:47:08 PM]

so --

>> Renteria: But we will have to do r3 or r2 on all of them, r4, regardless of how big the lot is.

>> Kitchen: I'm sorry, say it again. I didn't hear you.

>> Renteria: If all of it's r2 around it, now we're going to do away with r4 on big lots, what would they be zoned at?

>> Kitchen: I don't know what their zoning is now, along this route. I'm just suggesting that we do some planning --

>> Renteria: But there are some other routes that also -- on the bus lines, 30 minutes, they're recommending r4, so --

>> Kitchen: I think -- I don't think that all of the local bus routes have been mapped r4.

>> Renteria: Some of them are.

>> Kitchen: Yeah.

>> Mayor Adler: Okay.

>> Kitchen: So I don't know --

>> Mayor Adler: I'm going to -- I'm sorry. Let's give some other people a chance to talk.

>> Kitchen: Sure.

>> Mayor Adler: I'm not going to vote for this. I'm comfortable with the way the staff has picked roads. I think that, generally speakers -- generally

[7:48:09 PM]

speaking, we're trying to get greater density on corridors, that's where our planning is, so I'm going to vote against this amendment. Anybody else want to talk? Councilmember tovo.

>> Tovo: Two questions, one was for councilmember Renteria, I was interested to know if you knew which of the other routes were that were 30 minutes. Because I wanted to look up their zoning.

>> Renteria: I haven't looked up the route numbers of all the lines, but I know there's a lot of lots in my district that are over 10 -- they're 10,000 square feet lots, and it has a single house and they're zoned single-family lots, so I don't know how we're going to address that, but I'm just saying...

>> Kitchen: ...

>> Tovo: Are they proposed --

>> They're proposed right now as r4 because of the large lots.

>> Tovo: So they're proposed r4 because of the lot but not because they're on a local bus

[7:49:12 PM]

route.

>> Renteria: The reason why they zoned it is because it's on a local bus route.

>> Tovo: You have some --

>> Renteria: I have both. I just want to know how they're going to handle that one.

>> Mayor Adler: Okay. Any further --

>> Tovo: I'd like to ask the staff -- my question for staff is what the rationale was for zoning -- since it was the 15-minute frequency that classified something as a transit priority corridor, why would local bus routes with 30-minute intervals be -- sure -- be now triggering transition Zones?

>> I'll start and let Lacey fill in. For example, in the amendment, the application of r4 with local bus routes is in service to the may 2nd direction to apply missing middle and high opportunity areas. It's not a transition area.

[7:50:12 PM]

So the area -- the areas that are mapped r4 in high opportunity are -- we were looking for criteria, and as planners, we felt supporting missing middle on local bus routes, we did coordinate heavily with capital metro. In looking at what routes they have in their five-year plan versus the future and how we could, you know, -- what would be the best application based on their ridership trends. And we adjusted between first reading and second reading with regards to input from them. So I will also note that most of the capacity in the high opportunity areas is coming from the mapping adjacent to the local bus routes that were coordinated with capmetro. So we did add after first reading more missing middle around centers, as well as supporting

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other corridors that have investment from the 2016 bond, but the vast majority have been mapped in support of local bus routes in coordination with capmetro.

>> Tovo: So those are -- so those are not transition zone, those are -- those are mappings to r4 to transition -- those are mapping to r4 --

>> Yeah.

>> Tovo: Because they're high opportunity areas along local bus routes.

>> We did not use r1, just r4.

>> Tovo: R4. Okay. Thank you.

>> Mayor Adler: Any first discussion? Councilmember alter.

>> Alter: With that approach, how deep were they supposed to go?

>> One lot.

>> Alter: Okay. Thank you.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: So what is the general rule then? We've said -- just so I can understand, I understood that we were doing -- are you saying that all -- all local bus routes that run 30 minutes throughout the

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city are mapped missing middle if they're in a high opportunity area?

>> So -- excuse me -- looking at high opportunity areas first, and then locating where there are local bus routes, and then putting r4 and applying r4 on those properties that are on the roadway that has the local bus route within those high opportunity.

>> Kitchen: And that was done on every local bus route in the entire city?

>> In high opportunity areas.

>> Kitchen: That's what I mean. I'm sorry.

>> Originally on the October 4th map we also applied r4 along flier -- excuse me -- flier routes, and in this latest draft we have opted to put r2 along those routes because they are a different type of transit service, but yes, it was high opportunity areas, looking for how we can increase missing middle mapping in high opportunity areas first and locating those local transit routes within those high

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opportunity areas.

>> Kitchen: So it was all of them, is what you're saying.

>> As it should be.

>> Kitchen: Okay. There's quite a few local bus routes. And from what I've seen on the map, it doesn't look like all of them to me. But I'll follow up on that. So the other thing I want to ask about is, so, Ms. Beaudet, did I hear you right that capmetro's five-year plan has this route in it to go to high frequency?

>> No. I just said that we have coordinated with capmetro to look at what their plans are for the routes that they have implemented recently and what they believe their planning shows, where they would like to keep routes. They don't -- as you know, being on the capmetro road, councilmember, once a route is in, which as you stated, 318 is a new route, they want it to cease -- they want it to be successful because even if it's used by even a few people to change the route, it can be disruptive. So they see a lot of good in some

[7:54:15 PM]

of the mapping that we're doing.

>> Kitchen: I think it would be -- we can talk about this offline, but it would be an overstatement, because my understanding from capmetro is, they have not said that we should have missing middle in any particular place, and they have told me on this route that there are no plans to make it high frequency. So my concern is that we are really doing this without a level of planning that really takes into account capmetro's future five-year plan, and so this -- you know, what -- my effort here is to talk about the fact that -- that we really are -- we really need to make sure we understand the impacts of what we're doing. We really have to get it right. We're -- we are risking existing affordable housing along this particular route. I'm not familiar with our routes. I know that this residential area

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includes vulnerable folks like seniors and renters and disabled neighbors, that we may be displacing, but the biggest concern I have, it may or may not, and parts of it may or may not be appropriate for missing middle, but we don't know because we haven't done the level of planning that really looks at the things that are happening along our local routes. This one in particular. And so that's why I brought this, because it doesn't make any sense to me to just create these kinds of zoning without understanding the impact on the ground.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I concur, and I just would add that I'm looking at one of the examples of this in my district. And, you know, I'm going to have to really apologize to my constituents because we've done the best we could at trying to be as aware of different instances as possible, but there is so much going on in the proposed remapping in my district that I'm still learning, every day, pretty

[7:56:16 PM]

much getting emails from different people about different elements somewhere in the district. But the one I would bring to your attention, team, is along north Lamar where the frequency is 30 minutes, but actually the bus route entirely leaves Lamar between 38th and -- I think between 38th and about 12th. There is no bus service, but the bus service before you get to north Lamar along shoal crest is not mapped r4, it's rm1 so there is rm1 zoning in that case that I assume is being triggered by a route that is a local bus route but it's not r4, it's rm1. And there's an activity center in between it and Lamar.

>> And that's being driven by the fact that Lamar is in an imagine Austin growth corridor. So this is a transitionary mapping along this area per the designation as a growth corridor per the growth concept map.

[7:57:16 PM]

>> Tovo: So in this case it's not the bus route, it's --

>> Mapping.

>> Tovo: What would you -- what is the best way to determine, when you're looking at a map and seeing some r4 and rm1, whether it's transition zone rm1 and r4 or other rm1 and r4? Is there any designation on the map that tells whether it's being rezoned that way because it's being classified as a transition zone, or is there an indication that it's sort of non-transition zone r4, rm1?

>> That's a great question. We do have the pop-up on the current zoning side of the map that still has the criteria from our original transitionary mapping criteria that lists if a property falls within a quarter mile of a transit priority network or corridor, if it's within a high opportunity area or not.

[7:58:16 PM]

I didn't tell you whether you were mapped a certain way or not but it's at least a high level of understanding what is affecting -- what criteria is overlaid on this property. I understand why something may or may not have been mapped the way it was, but we can definitely look into how we can provide some better explanations as to what was mapped where and why. That's something we can take a look at.

>> Tovo: Through.

-- Thank you. I don't remember the criteria. So we'll see what criteria, we have been looking at the criteria but it doesn't necessarily say whether it's been meeting the criteria, transition zone, or just meeting the criteria and that's why it's remapped.

>> It doesn't designate whether what kind of mapping.

>> Mayor Adler: Councilmember pool?

>> Pool: I was curious where else in the city are we mapping to the imagine Austin centers?

>> The question is what centers are being mapped with --

>> Pool: Right. With this same kind of

[7:59:18 PM]

transportation, with the transportation overlays.

>> So our mapping, our new mapping of missing middle around imagine Austin centers is r4 and an eighth mile buffer configuration from those centers.

>> Pool: Which centers?

>> Ooh. Some include -- I don't remember the names of the centers off the top of my head, but slaughter --

>> Pool: But geographically.

>> There's southwest, northwest, central. Yes. Generally, any center that's not in a vulnerably designated area, we've tried to apply r4.

>> Pool: So everything essentially west of east Austin. All of the -- are you saying that you have applied this rubric to all the transportation corridors around or adjacent to or in or near all of the imagine Austin activity centers? Is that what you're saying?

>> This mapping --

>> Pool: That sounds like what the answer was to --

>> I apologize.

>> Pool: -- Councilmember tovo.

[8:00:18 PM]

>> This level of mapping that I'm discussing about the local bus route versus transit area are not based around the centers themselves. There's other criteria. We have expanded our high opportunity mapping criteria to include the 2016 bond corridors, and then also looking at imagine Austin centers that aren't designated as being vulnerable or uprooted and applying r4 mapping in a different configuration that's different from transitional manning or local bus route mapping.

>> Pool: So I have no idea what that means. Seriously. So it would be helpful, Ms. Beudet, if you could give us a map that shows us where that is. Because what I am gathering is that we should expect to see that sort of mapping on the ground for all of the imagine Austin activity centers off to the west part of the city of Austin. And I'm not sure that that is what I have seen when I look at the map. So I'd like to drill down and make sure that we are, in fact,

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applying this particular rubric in a very comprehensive manner so that it applies everywhere.

>> Uh-huh.

>> Pool: Now, I recognize that we can more granularly define it to an nth degree but I don't think that's what we're doing here so please explicate and illuminate for me -- tomorrow would be fine, it doesn't have to be right now, but I would like to see that specifically in our documentation and our mapping.

>> Mayor Adler: Okay. Thank you. You want to closing, councilmember kitchen?

>> Kitchen: Yeah. I just want to say, what I was trying to achieve with this is just -- you know, I support missing middle housing. I support doing what we can in high opportunity areas. I just think that we need to be thoughtful about it. I think you as staff are doing the best you can. I don't mean that in a negative way. But what I mean is, we're not -- we need to make sure we really

[8:02:21 PM]

understand the impact of what we're doing. We have to get this right. 'Re not following enough of a process to understand that. And I will just -- I wanted to thank Mr. Rousseau who represented his neighborhood well by giving us, all of us, a letter that talks about the context-sensitive difficulties with the area of Westgate. I'm not going to read the whole thing because you have it but it's things -- he points out it's not a high frequency route. He also points out things like building more units without adequate parking. I mean, remember, we're also talking about reducing our parking. We'll add to already dangerous conditions on this segment of Westgate. I have been working with Mr. Rousseau for a while with our transportation department about the traffic difficulties along this road. So we're putting r4 down.

[8:03:23 PM]

We haven't done the planning. We don't know what's happening with regard to parking. There are other issues that he talks about related to, you know, trees and flooding and things like that. So I just think that -- I just wish we would put in place a process that gives us all the chance to make sure that we're getting what we really want to get and that we don't have unintended consequences. And that's all I was trying to do with this, is suggest an approach to working with capmetro that gives the staff an opportunity to work with capmetro at a level that's more meaningful and looks at their five-year plans. So I -- that's all I'm trying to do here. I think we're really -- we're really shooting -- well, I think this one size fits all approach, we're going to have a lot of unintended consequences and I don't understand why we can't

[8:04:23 PM]

just proceed with a process that will allow for us to take into context what's happening in the area.

>> I wanted to add that because this is not a transition area, as councilmember tovo -- her question allowed us to point out, that parking is required in this r4. It would not be not required. It's required in r4. It's only within a quarter mile of the transit priority network where parking is not required. I did read Mr. Rousseau's letter. That is one class. I know he's here. That I would like to point out.

>> Kitchen: That's helpful. Thank you. I didn't understand that.

>> I would just like briefly to, just for everybody's reference, I know the third supplemental staff report is -- I think it's 85 pages, so no one can be faulted for not being familiar with all of it, but the criteria that were developed to further council's direction that we map proposed mapping for missing middle and high opportunity areas, the response to council's direction and the criteria that we

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developed to do that are at pages 6 and 7 of the supplemental report. And it's definitely case, I think, that developing criteria for the high opportunity areas where you don't have designated corridors as sort of an anchor point for the mapping presents challenges that are, I think, mapping the transition areas are easier in a sense, so there definitely was some creativity required to develop criteria, but they are comprehensive criteria. The centers that were not mapped were not mapped because other criteria dictated -- dictated that they be excluded, specifically the criteria related to the uprooted study. But I would just suggest councilmembers would benefit just from looking at that summary that's in our staff report.

>> Mayor Adler: Okay. Thank you. Councilmember kitchen?

>> Kitchen: I have a question for staff.

>> Mayor Adler: Okay.

>> Kitchen: So my question would be, the approach that I'm

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suggesting, which is a more in-depth level -- or actually a planning approach with capmetro, is that not something that we could do to refine this kind of approach? I'm concerned. I don't think Westgate is the only example of local bus routes throughout the city that may present traffic flooding, parking, other kinds of concerns with regard to the impact. And so I know you didn't have the opportunity to do that, but would you see that as something that would be useful?

>> So, councilmember kitchen, I think that at the level of a comprehensive revision, the criteria need to just be based on fairly clear factors, distance from a center, those sorts of things. If council wishes to defer mapping in high opportunity to a later process that would allow for that sophomore on the ground,

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site-specific level planning, that is certainly an option. But to the extent council wants missing middle to be part of this process in high opportunity, we're going to have to have some broad criteria that -- they can certainly be different than the ones we proposed, but they're going to be in the nature of distance from certain key identified designated points.

>> I would add that we did coordinate at a pretty detailed level with capmetro's short range planners, but we can always go back and revisit criteria if that's the will of council.

>> Kitchen: Yeah. I think -- I didn't mean to imply that you didn't talk to capmetro, but this is -- it's also not in their five-year plan. And I understand that given the time and constraints that everyone had, that kind of -- that kind of conversation was not specific in any way to particular routes.

[8:08:27 PM]

So I do think it would be helpful to -- for you all to consider a more in-depth level of planning with capmetro, since, as I'm understanding it, the reason for choosing this particular area and other particular areas in high opportunity areas is because of the bus service. So I think -- I think it needs an additional level of review and process.

>> Mayor Adler: Okay. Let's go ahead and take a vote.

>> Tovo: One quick last question. Just a quick last question, I'm not seeing on 6 and 7, an explanation about imagine Austin corridors and how those were used within -- to map high opportunity areas. And so I guess my main question is how many criteria in the example I'm just looking at, it met two criteria near a corridor and in the urban core. Typically how many -- how many criteria did a site need to hit

[8:09:28 PM]

to be mapped? Because pages 6 and 7 don't, you know, address how you applied the high opportunity areas to centers, to areas with a mobility bond to level III streets but not necessarily imagine Austin corridors.

>> Yes, councilmember. So imagine Austin corridors are one of the five criteria that was directed to be used as each criteria overlays on each other, the more criteria an area meets, the more transition area mapping should be done in a certain area. So, for example, I'm trying to remember off the top of my head some of the criteria were being high opportunity or urban core or along a tpn or imagine Austin corridor, and I believe having good connectivity and walkability. And so I can't, off the top of my head right now, speak to what areas met how many criteria and what depth that led to a transition area being mapped, but the imagine Austin corridors

[8:10:28 PM]

played a role in identifying what transition areas should be mapped in general, and the high opportunity mapping of these local bus routes and additional centers is additional to that transitional mapping that was guided by imagine Austin corridors and those other factors.

>> Tovo: Okay. I'll follow up with you about this example offline because again, it's not on a corridor, it doesn't have great connectivity to a corridor because there's a city in this between it, and I think the topography doesn't add to it, and it's got really a slew of rm1 and r4 and doesn't appear to be -- and I think is not a transition zone, I believe it's the high opportunity mapping, but it hits again only two of those -- of that list of criteria as explained in ur map. So I think I need to understand how many criteria -- I mean, there are quite a few areas that are near a corridor and the urban core, and clearly it hasn't all been mapped so I need to better

[8:11:29 PM]

understand how many criteria something needed to hit to be -- top rezoned in this manner.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah, and just to follow up with what councilmember tovo is saying, I'd like to see which criteria were used in which case in order to achieve the zoning decision that was made. I'd like to see what the patterns are there and what the consistency is.

>> Mayor Adler: Okay. Take a vote. Those in favor of kitchen 3, please raise your hand. Kitchen, alter, pool, and tovo. Those opposed, please raise your hand. It's the balance of the dais. Stf, thank you for your answers on the question. Makes me feel more confident with the way that I voted. So I appreciate the detail. Let's go on to --

>> Kitchen: Mr. Mayor?

>> Mayor Adler: -- Kitchen 4. Uh-huh?

>> Kitchen: I'd like to talk to you about this afterwards at some point.

>> Mayor Adler: Okay.

>> Kitchen: I understand you feel more confident. I don't.

>> Mayor Adler: I understand.

>> Kitchen: We are not taking into account the context of what's going on.

[8:12:30 PM]

I'm very concerned about it.

>> Mayor Adler: And you've made that point. I'm comfortable with the context and the way this is approaching it in a comprehensive plan, and I think it's the appropriate level and the appropriate way for us to do a comprehensive plan. I think we'll talk later about more specific kinds of changes that we might want to choose to make. But in any event, we are now on to kitchen number 4. It's been pulled by councilmembers Casar and harper-madison. Do either one of you want to address it?

>> Casar: In this case, the may direction had asked for there to be a significant parking reduction without destruction. I think staff had to strike a balance, and I think the balance of having the sidewalk or being in that high priority place is the right balance to meet the may direction. And so that's why I want to leave it at that balance.

>> Mayor Adler: Okay. Any further discussion? Councilmember kitchen?

>> Kitchen: I'm passing out some

[8:13:33 PM]

information that might be helpful for people to understand. So -- so the purpose of this amendment is, again, to just talk about -- to align our transition Zones with what we need to make sure they're successful. We have talked in terms of transit -- we've talked in terms of mapping transition Zones near corridors, and we are doing that because -- so that people can actually get to the corridor and walk to the corridor. And so we've talked about how important sidewalks are for transition areas to actually achieve what we're trying to accomplish with transition areas. So all this amendment does is -- it says to ensure the success of transition Zones and to make sure that we're providing for safety,

[8:14:34 PM]

for walkability and access to transportation that may be on the -- that's on the corridor. We want to -- we want to -- and these are areas that we are, if I'm understanding correctly, these are areas that we are

reducing parking requirements. So we want to make sure that we have -- that we have sidewalks in those areas. So what I passed out to you is, I passed out to you the -- our current plan that's in our -- that's in our -- well, I'm not going to -- I think it's in our cip, but anyway, this is our current plan for sidewalks, for our investment in sidewalks, and I know it's hard to read, but basically the red dots is where we're talking about investing in sidewalks for, you know, the next five years. It's our plan for where we plan to invest in sidewalks. The other thing I passed out is -- is how we set our

[8:15:35 PM]

priorities for where the sidewalks -- you know, where we invest in sidewalks. So I'm just -- all I'm suggesting is that if we're going to proceed with transition Zones, which we are, then we want to make sure there are sidewalks in the transition Zones. And so what I'm -- what this is about is aligning with our sidewalk master plan scoring matrix, our scoring matrix right now doesn't address transition Zones. It does have some related things like transit stops, for example. So there are some related things, but it doesn't guarantee us, because of what we have prioritized for our scoring, that we're going to get sidewalks in the transition areas. The other thing is that the funding that we have right now for sidewalk infrastructure, that we've planned for, doesn't cover transition Zones in many cases.

[8:16:36 PM]

I certainly haven't studied the whole city, but I can tell you that the transition Zones that are mapped in south Austin in district 5 don't have sidewalks nor are they planned for sidewalks nor is there any funding identified for them. So I'm just suggesting that we need to align -- and again, that goes back to what I -- you know, what my concern is. We have to make sure that we understand the impact of what we're doing. When we say we want to accomplish something from a transition zone, we need to make sure we're understanding the impact of what we're doing. We need to make sure that we're setting up mechanisms to align sidewalks with these areas, particularly since in transition Zones we're reducing parking. So that's all this amendment does.

>> Mayor Adler: Okay. Any further discussion before we vote? Those in favor of kitchen 4, please raise your hand. Kitchen, alter, tovo, pool.

[8:17:36 PM]

Those opposed, please raise your hand. The balance of the dais.

>> Pool: Mayor, I've got a question. Could you help me understand why we would not want to provide safe passageway for pedestrians and maybe kids on bikes, why we would be shutting down an

amendment to ensure that there's additional sidewalks available for our residents in these transition areas? I really -- honestly, I do not understand that vote.

>> Mayor Adler: I understand that. I believe we want to insist on all those things. I think we all want to insist on all those things.

>> Pool: So we're not going to insist on them.

>> Mayor Adler: Now we're going to vote on Flannigan 12. Flannigan 12 has been pulled by councilmembers alter and tovo.

>> Kitchen: Mayor, I think it's appropriate for us to ask a few questions. I would like to get to a place where we have some consensus, and when people just vote against things and don't tell us why,

[8:18:39 PM]

it's impossible to get to some consensus. I thought I was putting together an amendment -- I didn't say don't have transition Zones. I didn't say keep the -- keep the parking. I said if we're going to do that, what is our route for getting sidewalks?

>> Mayor Adler: I think that people have voted on these kinds of things in may. We discussed them at length. We discussed them after that. But in any event, this conversation you and I are having, we need to take off the dais because it's out of order right now. We're going through amendments. And the next amendment in front of us is Flannigan 12. It's been pulled by councilmembers alter and tovo. Does anybody want to say anything?

>> Tovo: Sure.

>> Mayor Adler: Councilmember alter.

>> Alter: So I understand that this amendment is reducing the front yard setbacks in r3 and r4 to ten feet. Can staff speak to why they didn't create the zone that way in the first place?

[8:19:39 PM]

And why you didn't recommend that in the first place?

>> Councilmember, the r3 zone, to our way of thinking, was the three-unit -- the three-unit equivalent of r2b basically so it's more intense than r2b in a number of units but otherwise it's really the same as an r2b zone, which you go the front setback. It's a zone that will probably be mapped -- now it's being mapped in the equity overlay. In the future probably will be mapped concurrent with the r2b zone so it's very similar. The intent is to be similar to the r2b zone but allow more units.

>> Alter: And the r4 zone?

>> And the r4 zone is a more intense zone, obviously, it allows more units. We actually, given the focus on making those Zones work and the -- you know, as transition Zones, having more units and the potential for more units for

[8:20:40 PM]

affordable housing, we do think that reducing the front setback to 10 is appropriate for r4.

>> Alter: Okay. But you don't think it's appropriate for r3.

>> I think for r3 our preference would be to just leave it as it is.

>> Mayor Adler: Any further discussion? Councilmember tovo?

>> Tovo: Yeah, I'm sorry, I'm not following all of -- all of your response. So currently, currently r3 is 15 feet, and the proposal is to take it to 10. You're recommending it stay at 15. With r4, the proposal is to reduce it from 15 to 10, and then you were talking about r2b. R2b is at 15.

>> R2b is at 15.

>> Tovo: And r2a is at 25.

>> Correct.

>> Tovo: So I didn't understand what you were saying about, in retrospect, you could have made -- you were talking about Zones being similar --

>> I was just making a comparison

[8:21:41 PM]

between r2b and the r3 zone, just that when we were developing them, r3 was kind of the three-unit equivalent of the r2b zone, attorney unit change, they really are very similar, including setbacks.

>> Tovo: Except it's my understanding in some cases r3 actually goes up to six units so it's not always three units.

>> Previous had r3 going up to six units with the cottage court. That has been changed. So the maximum is 3. You can get up to 4 with a preservation incentive.

>> Tovo: Okay. I must be using an old chart. Thank you. Councilmember Flannigan, can you help me understand why this facilitates -- why reducing the setback facilitates a more walkable, pedestrian friendly environment?

>> Flannigan: That is what the experts are telling me and I think it's a good amendment so that's why I'm urging it.

>> Tovo: Why? Can somebody explain -- you're bringing it forward, that's why I'm asking you rather than our staff but why does having less of a setback foster a more walkable

[8:22:43 PM]

environment?

Walkable. >> Flannigan: I believe it's been sufficiently explained. If you don't like it, you can vote no.

>> Tovo: Okay. And I would just point out -- you know, I think it's a fair question when we're putting forward amendments to be able to explain. I'm looking at some of the zoning in your category, in your district, that is a 60-foot set back. That would seem to me to also discourage a walkable environment. But I guess I'm trying to understand and maybe staff -- it's been deferred to you -- why would having smaller setbacks foster a more pedestrian friendly environment, especially if what you're going to do in certain areas is create setbacks that are very out of line with the existing structures?

>> So for sure, the reduced setback contributes to a more walkable environment but there's just a balance that has to be struck between that goal and when you really want to achieve that goal, and existing character. I mean, there has to be some kind

[8:23:45 PM]

of consideration of both of those things. You want to have shorter front setbacks when you want to encourage walkability and pedestrian walkability, it can be more pleasant for pedestrians for sure. But we do have the context of existing houses being, you know, with the 25-foot setback a lot of the time, based on current zoning, so it really is just a balance.

>> Tovo: Is that walkability improved by having sidewalks? I would assume when we're talking about having short setbacks, it helps to have sidewalks, which is the vote we just took, in effect.

>> Yes. Having a sidewalk I think would help.

>> Tovo: So I just want to point out that we just voted against councilmember kitchen's amendment that would have provided some assurance to people that within transition Zones, where we are allowing for waivers of parking, where we're now adjusting further the setbacks and making them smaller, I would think it would be appropriate to commit to actually funding sidewalk infrastructure. I think we all know that there's

[8:24:47 PM]

an extremely long, long list of sidewalk projects, and making some commitment to those areas that are being rezoned into transition zoning, that we're going to actually fund the sidewalks that make for -- that make the place walkable is important, especially -- yeah. That's -- that's my point.

>> Mayor Adler: Okay. Councilmember pool?

>> Pool: I'd like to make a friendly amendment to Flannigan 12 to include essentially the essence of kitchen 4 because we're talking about facilitating a more pedestrian friendly environment and I want to make sure that sidewalks for transition areas that happen to have r4, for example, are prioritized in the sidewalk master plan scoring matrix and that funding for sidewalk infrastructure be included in this city's five-year cip plan.

>> Mayor Adler: Councilmember pool moves to incorporate Flannigan 12 to include kitchen 4.

[8:25:47 PM]

Is there a second? Councilmember kitchen. Those in favor of the amendment, please raise your hand. Kitchen, alter, pool, and tovo. Those opposed, please raise your hand. Rest of the dais. Let's take a vote then on Flannigan 12. Those in favor of Flannigan 12, please raise your hand.

>> Tovo: Mayor, I'd like to divide the question into the wees staff said they would support and the part they'd recommend against.

>> Mayor Adler: Is to r3 --

>> Tovo: That was the piece that staff recommended against, correct?

>> Mayor Adler: Those in favor of -- you want to answer the question?

>> That's correct.

>> Mayor Adler: Those in favor -- I'm sorry?

>> I have a question, mayor.

>> First, no property that is a single-family house now can get to r4 -- you're not forced -- if you were to change your property to r4, wouldn't that require you to either build a sidewalk or pay a fee-in-lieu?

[8:26:48 PM]

>> That's correct.

>> So if, in fact, properties start turning to r4, there will be more money in the fee-in-lieu bucket, or there will be a sidewalk? Is that right?

>> That's correct.

>> Okay. That is why I voted -- because it's going to happen. Doesn't have to be part of our five-year cip plan.

>> Mayor Adler: Okay. Let's go ahead. Those in favor of Flannigan 12 as to r3, please raise your hand. Those opposed? It's the 7-4 vote we've seen before. Those in favor of Flannigan 12 as to r4, please raise your hand? Those opposed? This time it is 8-3 with kitchen voting in the majority. That passes. Gets us to Flannigan 13.

>> Kitchen: Mr. Mayor, I wanted to say one other thing. Just -- mayor pro tem, I appreciate that clarification. That's certainly helpful. The problem is, it doesn't guarantee a sidewalk the whole

[8:27:50 PM]

length of the street.

>> Mayor Adler: Flannigan 13. Councilmember tovo, you pulled that?

>> Tovo: Yes. I need some explanation about what this -- whether this actually results in a change. It's my understanding that as the code is currently drafted, it would allow a combination of different forms of structures.

>> That's correct. It appears to us that the change would be that multiple ads would be allowed in any combination as the code is currently written, you can add one accessory dwelling unit unless you're doing a preservation incentive, and looks like this change would allow any number of adus, you know, up to the permitted unit allowance in the zone but you wouldn't have to use a preservation

>> Tovo:as opposed to attached housing.

[8:28:50 PM]

>> I'm sorry?

>> Tovo: As opposed to attached housing, attached units.

>> Yes, or whatever is allowed in the zone, whatever the uses are that are allowed in the zone as it currently is. You can only add one accessory dwelling unit per lot unless you use the preservation incentive.

>> Tovo: Councilmember Flannigan, that your intent?

>> Flannigan: Yeah.

>> Mayor Adler: Okay.

>> Alter: I thought this applied to r4 and rm1 and I thought there's really no difference between the units once we get to that level of zoning.

>> I'm sorry. There's no difference between?

>> Alter: I wasn't -- as I read this it applies to r4 and rm1, and so I don't -- I mean, are we making a distinction between an Adu and the other units on that as long as it is another unit? I mean, once we have ads and once we can do -- I

[8:29:53 PM]

mean, the Adu distinction is -- I'm not sure it means a whole lot now that we've changed a lot of things.

>> Is with the distinction has been lessened over time. There still is 1100 square foot cap on an Adu, and only one Adu is allowed per lot in these Zones in combination with other uses. So this change for both of these Zones r4 and rm1 would just allow multiple ads in combination with other uses on a lot without having to use a preservation incentive to get that allowance.

>> Alter: So, I mean, if we could have six units on rm1 it's just giving more flexibility for --

>> That's correct.

>> Alter: -- The type of unit which was not included in the original code but the intention was that you could build six units? This is giving more flexibility?

>> That's correct.

>> Alter: Okay, thank you.

>> Tovo: To clarify does it

[8:30:54 PM]

change any other site development regulations with regard to impervious cover, F.A.R., et cetera?

>> Not as we read it.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. Those in favor of Flannigan '13 please raise your hand. Todd. I think it's unanimous on the dais. That gets us up to pool number one reducing impervious cover and localized flooding.

>> Pool: Do I need to hand out the --

>> Mayor Adler: My sense on this is that staff already dealt with localized flooding, took us through that at the work session and I'm comfortable with leaving

[indiscernible]

>> Pool: I was asking just to speak to it, I was asking for staff to rereview the parcels in district 7 for localized flooding issues. We've got to ensure we have appropriate zoning and impervious cover limits to make sure that we have

[8:31:54 PM]

implemented them in appropriate problem areas. So we have been working with the Idc team to make sure that the areas in my district that are prone to the localized flooding are reviewed carefully. I think Matt Holland is here, and he can -- so we've talked with Matt Holland and he has suggested we simply ask him to review those areas again.

>> So, yes, councilmember. So Matt Holland with watershed protection, and we did in fact -- at council direction went and looked at the drainage ways in the problem areas and we made sure the adjacent missing middle tracts were not so designated. We would leave them in their original zoning condition, so we are certainly willing to back and take a second look at that and make sure that that's all squared away.

>> Pool: That's good. You did find was it about

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300 parcels that were adjusted?

>> A few more than 300 parcels in all the different districts. And I think there are -- that we will find a few cases where we'll want to make sure we make the proper adjustment. So --

>> Pool: That's great. Thank you. So I think essentially this amendment has been addressed, and I do appreciate staff's continued diligence to make sure that we're keeping our residents safe.

>> Mayor Adler: Great. Thank you. This amendment is withdrawn?

>> Pool: On the other hand it would be nice to go ahead and vote it just to give staff the vote of confidence on the work that they're doing. So my -- and my point was they have completed that, so I'd like to go ahead and acknowledge that. So could we have a vote?

>> Mayor Adler: We can have a vote. Those in favor of pool number 1 please raise your hand. Kitchen, alter, pool and tovo. Those opposed please raise your hand. Balance of the dais.

[8:33:55 PM]

Councilmember Renteria walked off. Does not pass. That gets us to tovo 5.

>> Tovo: Which is quite similar to councilmember pool's, and I'm not sure, mayor, you said you were confident with the work that had been done. I guess I'm not understanding why -- why and how some of the -- number 1, I'm not sure which tracts got removed, but I have quite a few areas and I'm getting emails from multiple constituents about areas and properties that they have that have flooded, and I have several areas that are very high on the priority list for flooding. For example, Hyde park is number 2 on the priority list for flooding -- can you tell me what the terminology is? I've missed it for localized flooding identified problem areas.

>> That's correct. It's a local flood problem area and it has a very high --

>> Tovo: Hyde park is number 2. Lots and lots of transition area zoning.

[8:34:56 PM]

Number 6, Hancock is number 6 on the list. It is probably more than 50% mapped, probably more. Cherrywood I believe is also very high up on there, also has transition area zoning and we heard from north loop people yesterday about areas they have that have been mapped with transition area zoning. Just today I received another email with six or seven more properties. So I guess just as a threshold question, if it's possible to get that list of properties that have been mapped -- that have been removed and what you're using, Mr. Holland, as criteria? Is it localized flooding identified problem areas as reported through 311? You know, when I'm looking at the maps I'm seeing swathes of localized flooding areas noted. Is that what you're using to guide your work, or is it another level of documentation?

>> So we start with the local flood problem areas as

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identified in our capital improvement program. There was a whole methodology we used for capital program. We used 311 call verified location and had we have a critical mass number of those we identify a problem area boundary and that's what you see on the web when you look up that on our master plan viewer. And then so what we did was for the council request is we -- our engineering staff looked at the drainageway that would go through in some cases branch out within those local flood problem areas, for instance the Guadalupe area would fan out along the drainage path and then we would locate on the bottom half of that area, the area that gets the most drainage, the most flow, deepest flow we made sure those properties that were adjacent to it or even that it was within, that those did not get upzoned to missing middle.

>> Tovo: So with regard to those areas that are high on the list -- and the list is, like, 100 -- I don't know in

[8:36:59 PM]

one count it said 121, in another 148, but just to provide context for the number 2, I think cherrywood is 12. You know, these are extremely high priority areas for improvement that have been identified for improvement. And so I would ask, colleagues, please reconsider -- or, again, consider my amendment because if we're committed to making sure that these areas that staff can document have localized flooding issues are not in transition zoning, I'm not sure why we wouldn't support this amendment.

>> Mayor Adler: If there was any science that linked increasing the transition zoning to the localized flooding, I'd be more inclined to consider this. But as all the experts have explained to us, the fact it's in a transition area, the fact you might have more units really has no material impact on the localized flooding, but yet we have people in those areas that believe that. They draw relationship

[8:37:59 PM]

between the transition zone development and their localized flooding area and believe those two are somehow or another linked. Experts all say no. The experts have explained to us why that's not true, but yet that link continues to be made, and I think that's unfortunate. So I'm going to be governed by the science here, and the work from the experts that have explained how those things don't have a link. I would urge people that are watching this to go back and listen to the experts. In a lot of respects I think this debate feels a lot like the climate change discussion that happens, where people don't link the science to the facts and I think it's really -- I think it's really unfortunate because the number of times we repeat it over and over and over again, I think that people think that there's a link. But we had our experts come to us. They said there's not a link, that there's not a relationship between those

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two the. I'm convinced by that because it's the only expert testimony we've heard, and it's been consistent. So that's the reason why I oppose this amendment.

>> Tovo: Couple things. I would suggest people who are interested in following this issue also watch Lauren Ross' presentation to the planning commission because I don't believe that it is completely in line with the conversations that we've been having at our work sessions. And Mr. Holland, I thought I heard you say that you removed -- you were suggesting not rezoning some of the properties that were in these areas immediately adjacent to flooding areas.

>> Immediately adjacent to the drainage ways within them. So that's -- just because there's a dot in the polly gone up in the sides we wouldn't look at those. We'd look at those where the wire is accumulating at the bottom in locations where they'd get the most drainage. Sort of like a

[8:40:02 PM]

pseudofloodplain, I'm sorry my administrator would not appreciate that terminology. It's similar, in more an area of greater accumulation.

>> Tovo: Okay. So we had talked at our work session, and you had talked about the de minimus impact. I mean, I really have to take issue, mayor, with the way you've characterized our conversations. I think this is -- I think this issue is not as clear-cut as has been just described. In our conversations the other day, you said, in your opinion, a de minimus impact, as you looked at the zoning citywide. And then you talked about the modeling that had been done in the Dell curdo area in which you were basing this and talked about it increasing one to 2 inches in that area. As we discussed one to 2 inches is significant when talking about floodplain

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variances. Also it has not been modeled in the transition Zones, so I know the other day we talked about it and you expressed a willingness to model it in the transition Zones, and I didn't know if you had a sense of when that work might be completed.

>> What I've been talking with our staff about is trying -- we're not going to be able to -- it would be a large effort to model the transition Zones, per se. So what going to do is to try to look something and use a approach see what increasing levels of impervious cover would do in a given watershed. So we'll take an existing model and show how that changes so we can show that public.

>> Tovo: Could you take an actual example of one of the areas that is in lot -- documented localized flooding issues and look at an area that has been suggested for very substantial zoning increases?

>> So we are going to be talking the del curdo model because we do have that model and what we'd do is

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basically pretend it had the level of zoning that you're talking about. Instead of what it has now -- which actually we did model a 8% increase for our model and that was what gave us a very small increase so that gave us some comfort. I don't expect to see a giant jump but we will look at increasing levels of

impervious as if it did have the missing middle layered on, you know, in addition to what we see in that particular one. So basically we're using it as a -- you know, it's a synthetic deal but you're talking a watershed with a certain amount of impervious cover and layering on more and more and more and you can look at the threshold and what would actually drive change so that's our proposal.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: Mr. Holland, when you're looking at the localized flooding areas, are you identifying them citywide for the calculations?

>> Yes. We looked at all 147 allowed

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flood problem areas and those are all over the city. They're generally in the center -- in the -- the city's core, where you've got the older drainage systems and so forth. Older development.

>> Pool: Right. I was more interested in whether when you did the calculations, did you look at the calculations citywide or were they more specific to the watersheds?

>> The way -- which calculations do you mean? The impervious cover?

>> Pool: Right. And the resulting runoff and flooding potential.

>> So we haven't modeled any other -- we modeled that one system. It's extremely labor intensive and expense to model them.

>> Pool: Which system? This is the del curdo system in district 5. We believe that was representative of one of these systems. But we have looked it the impervious cover changes within all the areas.

>> Pool: Do you have data on the watersheds and the floodplains, for example, in

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district 7.

>> We have recently as of yesterday completed the impervious cover analysis for all watershed citywide with the new draft two proposal.

>> Pool: And when you are looking at the data, is it all cumulative or is it broken down by each watershed?

>> It's broken down both ways. It's citywide and it's also by individual watershed. So waller, little walnut, Williamson, et cetera, would show up?

>> Pool: Great. You finished that work yesterday, you said?

>> That's correct. I'll make sure that it's all ready and, you know, quality assured and controlled, et cetera, but ready to be released. We can probably have that out next week.

>> Pool: That would be terrific. Thank you. You do have it broken down by individual watersheds? That was the direction in the may 2 document.

>> That's correct.

>> Pool: Was to identify the flooding potential and the mitigation that would be necessary and we were going to ensure that we were not doing anything to increase the potential of flooding per watershed.

>> And that's what we've

[8:45:11 PM]

done. We've looked at each watershed per your instruction.

>> Pool: I look forward to seeing your data. Thanks.

>> Mayor Adler: Let's take a vote. Those in favor of tovo 5 please raise your hand. Kitchen, alter, pool and tovo. Those opposed. Balance of the dais. Kitchen five -- tovo five does not pass. That gets us then to tovo 6. Mayor pro tem and harper-madison pulled this one. Any discussion? No discussion? Let's take a vote those in favor of --

>> Tovo: My mic is not working so I just lost track. What number are we on?

>> Mayor Adler: Tovo 6.

>> Tovo: I'm withdrawing it, thank you. Let me point out, mayor, if you were comparing those of us who are concerned about

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localized area flooding the way impervious cover may impact drainage and flooding in the area, if you're comparing that concern to being a climate denier, I really have to take issue with it.

>> Mayor Adler: I think that the suggestion that I'm making personal attacks on people I'm really offended by. But having a conversation about science I think is a conversation we're celebration these here, and I think there's a conversation about science with related to climate change. All of the testimony that we've had in front of the council has been consistent from the very beginning about how much -- the whys and what is associated with increases in impervious cover or increases with units associated with housing being built in the transition Zones. It's been consistent. It's been the same

testimony we've been hearing now for over a year. And yet we're being asked to consider amendments that draw a link between the localized flooding as if

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that were related to what's happening. And all I was speaking to was the fact that all of the science that we've heard as a council going back a long period of time does not support that. And, yes, I made a link between that and folks that, similarly, without similar kinds of evidence make conclusions about climate change or the lack of climate change. All right. Next thing in front of us is tovo 12. Anybody want to discuss this? Okay. Then let's -- so on to -- this is the one that would take it down to two lots?

>> Tovo: Correct.

>> Mayor Adler: We can look at two lots. They've looked at lots that are perpendicular and they've looked at lots that are parallel. You know, in the conversation that we had earlier, recognizing that we have to have a uniform policy that goes across the

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city and when we talk about the number of lots if we had two lots, a perpendicular lot to the right-of-way might be 100-foot in depth, and 200-foot in depth lots with a right-of-way between the two of them, that might be 250 or 300 feet. If you had the opportunity because these are both practical and political decisions, if you had the opportunity -- because I want to know personally for me. If you had the opportunity to decrease all of the transition Zones in the city to those two-lot equivalents, would you vote for the rest of the land development code rewrite?

>> Tovo: Mayor, there certainly are some other changes that we're contemplating, but I'm going to speak to what I'm hearing from my constituents. And there is significant concern, as I've mentioned multiple times in the work session.

[8:49:14 PM]

The application of transition Zones has been entirely inconsistent throughout entire city. There are certain areas in the central city that have been -- that have gone -- have been potentially -- have been proposed for remapping beyond -- well beyond the two to five. Yes, I would give serious consideration to supporting a proposal that eliminated much of the transition Zones.

>> Mayor Adler: In exchange for supporting the land development code --

>> Tovo: Mayor, I find your putting me on the spot at 8:50 about this issue a little tough, but I'm going to say, again, yes, I'd give significant consideration to supporting this, as I mentioned earlier, multiple times, I think there's a path to getting to a consensus here on this exponential in the community. But it would mean really starting to authentically listening to one another and trying to actively work toward compromise instead of simply dismissing amendments without even a conversation about them.

>> Mayor Adler: And these

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are both practical and political questions. I don't mean to mean you on the spot now but I do ask the question of you and councilmember Alter as well, given the Alter 6 and without having discussed it or informed by others, I would like to know from both of you, today or otherwise, maybe when we're done with second reading, whether in exchange for taking transition zones in the city, making them all that two-lot equivalent that I described, whether you would vote for the land development code. I ask that question. I ask that question rhetorically and you can certainly get back to me or get back to me through the bulletin board or otherwise. But I ask that question. But in the absence of making that kind of a compromise, I'm going to vote against

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this tovo 12 --

>> Tovo: So is what you're saying, if I make that commitment right now you're going to vote for it?

>> Mayor Adler: No. I'm just raising that question.

>> Tovo: Okay. Well --

[laughter] I mean are we having a conversation about compromises or are we -- is this just theoretical?

>> Mayor Adler: It was a serious conversation about compromises.

>> Tovo: But it's not going to impact your support of this amendment one way or the other is not not until I know it would end debate on the land development code. If it would end debate on the land development code we would then all move for it going forward, yes, it would impact how I see this amendment. Any further discussion on tovo 12?

>> Alter: Mayor, since you raised the issue of rolling back the transition zones to two lots, I don't want to say I think -- I want to say I think that's an important part of any consensus we could reach and I appreciate you broaching it because I think it's a conversation that we as a community need

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to have. There is a path forward that is a more graduated approach. There's a path forward that increases density along our corridors and our activity centers, and to do that you need to have some transition Zones to allow the compatibility. What we have before us does not help us get to a consensus. It also doesn't -- the concerns that we're hearing are not contributing largely to capacity. So in my district, I have -- in r4 I have 1,805 properties that are counted -- are rezoned to r4. I don't know if it's equivalent zoning or just to r4 as an upzone. From that we're going to get 367 base units, not properties, units. And then we could get 184 bonus units and 15 affordable units.

[8:53:16 PM]

Similar kinds of math happens with rm1. In district 5, if you do the same exercise for r4, they start with 1,072 properties. You get base units of 47. Bonus market units of 24 and 1.5 bonus affordable units. This data is available in the q&a. You can go and you can look at it. But we have gotten to a point that we have undermined the trust in our council and in this process, and the -- a way forward would have to include rolling back the transition Zones and would have to recognize that we're not really getting a whole lot in terms of the capacity or the affordable units from it.

>> Mayor Adler: So to parse the language you're saying that would have to be an element of it, and I hear that. We have people that are strongly held views on many

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issues in this council. The positions you've taken have eroded trust in this community the same way the positions other people on the dais have eroded trust in the community, different parts of the community, and on the same issue just taking different sides of it. I think that most of the people in the community, however,, trust this council is trying to do the best we can on difficult issues, even we have issues of equity when we're both trying to drive the same equity conclusion we do it in different ways. I recognize that. My question would still stand, not as an element of the settlement, but as the settlement. As the compromise. You and I share constituents in your district, and councilmember tovo and I share constituents in her district because they're both my districts, too. As I hear those people come and testify, those people that are against this seem to be 80% of them almost, the people against it seem to speak to the transition zone.

[8:55:17 PM]

So the question I ask, I ask very sincerely, if you were able to deliver to those constituents a two-lot equivalent transition zone, would you vote for the land development code, recognizing that there would be a lot of provisions in that that you do agree with because obviously as shown by the amendment process we're going through and will continue to go through, there are a lot of things you don't agree with. My question remains, if you could get that compromise and be able to deliver to your constituents, taking the transition Zones to no more than those two-lot equivalents in the city, would you vote for the rest of the land development code, recognizing it includes a lot of things that you don't agree with?

>> Alter: Mayor, since you addressed me, I take issue with parts of what you said. I'm not going to address them here. I'll do it privately because I think it's more

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appropriate. You are in my quorum and you can ask me any questions in advance of the meeting whenever you want. The tenor, however,, of this meeting is not defensible. And we can talk about things off the dais, but I don't believe that how those of us who have constituents who are concerned about this code are being treated is appropriate. We were all elected to represent our constituents. We have hundreds of folks who have been remapped for their zoning who don't understand what it means, who are concerned about what we're doing moving forward. Okay? Sorry if we're asking questions about a 1300 page document that was dropped less than two weeks ago. That is our job. We were elected to vet this. And I'm sorry that you have a timetable where this has to be railroaded through. That is not what Austin is

[8:57:22 PM]

asking us to do.

>> Mayor Adler: No one has stopped you from asking any questions. No one has cut anyone off. I haven't cut off anybody from asking questions. Everyone is entitled to ask questions, and certainly you can. And you do represent constituents, and everyone on this dais represents constituents. And I believe everybody is trying to do their best to represent their constituents in the best way they can, recognizing that our constituents disagree on many of the items that are in front of us. Any further discussion on tovo 12 before we vote? Councilmember kitchen.

>> Kitchen: Mayor, you know, I had hoped -- and I'm hoping we can get back to -- an atmosphere where we can talk through these amendments and share with each other what our concerns are about them. And I'm not speaking to you or anyone else. I would just hope that we

[8:58:22 PM]

could get to a point where we talk about the concerns so that we have a possibility to understand what each other's concerns are and a possibility to get to consensus. So but when -- since you went down this road, I want to ask a question of you. And that is, would you support tovo 12 if -- if we were able to say, as councilmember tovo did, that this would go a long way to -- I forget the exact words. I'm not going to be able to repeat her words, but she answered your question, you know, about her willingness to consider strongly, I think she said, supporting the code if you voted for this. And I didn't hear your answer about what -- divine the answer she gave you, I

[8:59:23 PM]

didn't hear your answer about whether you would vote for this.

>> Mayor Adler: I would consider voting for this if voting for this meant that the votes would be to approve the code as we finish the rest of this document. So not going a long way toward or substantial --

>> Kitchen: Well, I don't want to repeat her words.

>> Mayor Adler: My question was whether that would put to bed this at the end of this and at the end of going through this we would then all vote for the code and vote for the code on third reading. I would do that.

>> Kitchen: Are you saying with no other amendments at all?

>> Mayor Adler: Hmm.

>> Kitchen: Are you saying with no other amendments --

>> Mayor Adler: I think we would go through this and finish this document.

>> Kitchen: Thank you for answering my question.

>> Mayor Adler: Okay. Take a vote on tovo 12. Those in favor --

>> Tovo: Look, I'm happy to table it until tomorrow if you want to take it up tomorrow. I'd love to hear from some of my other colleagues if they're going to support

[9:00:23 PM]

eliminating it down to two.

>> Mayor Adler: Would you?

>> Tovo: Would I like to hear from my other colleagues? Yes.

>> Mayor Adler: Would you ask the question? I wouldn't ask any colleagues to answer that question until you and I answered that question. I've answered that question.

>> Tovo: I believe I did two.

>> Kitchen: I think you both did.

>> Tovo: I'm tabling my amendment for now. I'm going to say as a general comment, I think that we -- I think that we have an opportunity here to get to a broader community consensus. I want to point out that it's not just councilmember alter's constituents and my constituents who are writing. We have something like 12,000 protests now lodged against the city. We are flooded, inundated with emails, and, you know, I lost track of the number we've gotten this week but they have not all been from -- they certainly are not all from my constituents. They're district 6, district 8. I was stopped in the grocery store yesterday from someone

[9:01:25 PM]

[indiscernible] Just certain constituents who are concerned about this code, though it is not surprisingly largely central Austin because largely central Austin has been proposed for changes. You had somebody here testifying that 72% of their neighborhood has been proposed for change. 50% in dellwood, 50% in heritage. There's nothing like that in most of your council districts. Of course we're hearing more from ours and it's not limited to that. I want to finish my comment. I think there would be a huge value to trying to get to a broader consensus and it beginning here and I want to underscore what councilmember Casar said, it begins with a more collegial tenor on this council and willingness to compromise and have a conversation that's not confrontational in the same way we've had up to this point. I think it's important, you know, as someone who has supported mobility, the last mobility bond when it was extremely unpopular, when most of the candidates in that 70 person plus race were opposed, I was a

[9:02:25 PM]

supporter. I'm going to continue to be a supporter. I'm extremely concerned about the way that this conversation around the land development code could impact our mobility bond. And I sure don't want to be looking back at the council ten years from now and not seeing our -- the progress that we all want to see with regard to getting real in this community. And I think it's very important that we build community consensus around this land development code, and I think we need to work harder to achieve something that is actually in line with what the community's vision is.

>> Mayor Adler: Tovo 12 is tabled. Let's go to tovo 13.

>> Garza: I ask a quick question?

>> Mayor Adler: Go ahead.

>> Garza: I don't know when tovo 12 is coming back, and I don't -- I don't know whether discussions of -- would you vote for this, transitions, and I don't know if you can get these numbers, but this was about

[9:03:26 PM]

housing capacity and how we get there, and the requirement that you have to meet a certain number to get to what was a unanimous decision on our housing goals, 135 units. So can staff also provide, when this comes back, if we can reach the same goal with the yield in capacity with doing the two-lot transition Zones?

>> Mor Adler: Okay. We'll see if we can get that answer.

>> Alter: I believe that's alter six if you'd like to pass that.

>> Mayor Adler: Let's go on. Tovo 13. Anyone want to say anything else before we vote? Let's take a vote, those in favor of tovo 13 please raise your hand. Sorry, go ahead.

>> Harper-madison: Ip actually had a question?

>> Mayor Adler: Go ahead.

>> Harper-madison: So tovo number 12 -- I didn't mean for my mic to be on.

[9:04:27 PM]

Number 12, are we bringing that back tomorrow?

>> Mayor Adler: It is subject to being brought back when it's tabled. It doesn't mean that it will be brought back. It just means we're passing by it now.

>> Harper-madison: Thank you.

>> Tovo: Mayor.

>> Mayor Adler: Yes.

>> Tovo: Just to clarify the question that mayor pro tem Garza and councilmember harper-madison raised, it's my intention to bring it back tomorrow.

>> Mayor Adler: Okay.

>> Tovo: And with regard to 13, this is due to topography and other issues. There are certainly some places where I've noted in my own district that, you know, while we're trying to provide -- we're rezoning -- we're identifying lots that because of their proximity to transit in many cases because of to have topography and others -- not many, but in several cases because of topography and other barriers there's not good connectivity from the properties being rezoned and the corridor that has transit.

>> Mayor Adler: Okay. Those in favor of tovo 13 please raise your hand. Those opposed.

[9:05:27 PM]

Same 7-4. Does not pass. Alter 6. I think this is the same thing as the conversation for tovo 12.

>> Alter: Actually, this just asks for the data that mayor pro tem Garza just asked for. So I can just ask staff to provide the data. I don't need to actually pass it.

>> Mayor Adler: Will you be able to provide us that data?

>> Alter: Happy to pass it but I think it's really -- it's a data request upon further reflection.

>> Mayor Adler: It's just a data request.

>> Alter: I think it speaks to the question that we've been talking about with respect to the transition Zones.

>> Mayor Adler: Is that data that you can give to us

[9:06:30 PM]

tomorrow sometime?

>> Alter: I don't know if it's available for tomorrow, but it was a data request.

>> Mayor Adler: Or sometime between second and third reading?

>> Alter: It's essentially the same thing that mayor pro tem Garza was asking for, which is to try to understand the impact on the overall capacity if we were to roll back the transition Zones. From what I've been seeing in my looking at the transition Zones, there's not a whole lot of capacity, and I think that's largely a function of the fact that we're mapping it in places where the economics doesn't favor the changes that are proposed.

>> Mayor Adler: This is not rm1 zoning and r4 zoning throughout the city. It's --

>> We can work with that.

>> Alter: We can work on the best framing if we didn't get it all right but it's essentially trying to get us back to two lots.

>> Yeah, the clarification we would need is the may 2 direction to map transition

[9:07:32 PM]

areas on the imagine Austin corridors as well as the transit network, if that's what was meant here we could get those numbers tomorrow. That's an easy analysis that we could do.

>> Mayor Adler: Thank you.

>> Alter: Why don't we start with that and then if I want to dig down I can --

>> Yeah.

>> Tovo: Mayor.

>> Mayor Adler: Yes.

>> Tovo: Just on the point of -- about decoration were -- about data, were you able to pull together the chart that talks of rm1 and r4 how many of those lots were equivalent zoning? I think I checked earlier today but I'm not sure if I checked to see this afternoon. So this was the -- so yesterday -- and I really appreciate this information, on the q&a was posted the number of tracts in each council district zone to rm1 and r4. I assume in both high-opportunity areas and through transition Zones. And yesterday we talked about having a column that explains how many of those

[9:08:32 PM]

are equivalent mapping versus really rezonings of probably sf-3 properties.

>> Yeah we have it. We'll pull it up.

>> Tovo: Great. Is it possible to discuss distribute it or --

>> Yes, we can do that. We'll print and distribute it.

>> Tovo: Super. Thank you. Is that something we might be able to get tomorrow?

>> Yes.

>> Tovo: Great, thanks.

>> Alter: Before we -- mayor, if I might before we move on to the next item, I just want to point out that there are serious changes that we have made over the course of the last two days in the single family zoning that have major repercussions for capacity and for neighborhoods. And I'm still trying to figure out what those actually mean. And currently unless they're on undeveloped properties we're not counting a single unit for many of those changes, which I'm still having trouble understanding

[9:09:33 PM]

how we can't factor in anything that measures what that capacity is for single family and I know we've had a lot of time talking about transition Zones, but it appears to me that if I'm understanding correctly

what has been voted on in the last couple days every single residential lot everywhere in the city is now subject to serious upzoning. And it might be in the direction that majority of the council wants to go, but it has an impact on capacity that we're not factoring in. And I think that, you know, any move forward is also going to need to help us -- we're going to have to understand what that means on the ground and there's so many moving pieces I don't think we really have a good handle on that. I know I don't.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I would just ask, when you come back with the information that you're coming back with that's been

[9:10:36 PM]

requested, that mayor pro tem and councilmember alter requested, if you could also give us -- you already have this data, but the list of properties that were not counted. When I looked at those, there was something like 116,000 that were not counted as part of the capacity analysis. And that was for the reason that's been explained. But it is a piece of information that's helpful for us to look at, and I think you already provided it to us. So I just think that as part of -- when we -- when we look at the information that's been requested, which will help us understand the impact of a change to the transition Zones, it would be helpful for us also to understand that we will be getting some additional units. We don't have -- we didn't count them as part of the capacity analysis because of the limitations on the model and not being able to know

[9:11:37 PM]

really with any degree of certainty what percent we would get. But that 116,000, most of those are r2 a and B, we're going to get some of them, even if we can't put a precise number on it. Sop I just think that that is helpful for us to understand as we're thinking about capacity.

>> Mayor Adler: Okay. Let's move on to harper-madison 5.

>> Harper-madison: Mayor?

>> Mayor Adler: Councilmember kitchen and pool pulled harper-madison five.

>> Harper-madison: If I may before we get into it you might have noticed on the message board that I withdrew item number 5 in order to allow our office to have more time to work with the watershed department and determine the best solution for on-site detention. We're going to pull that one.

>> Mayor Adler: I'm sorry I missed that.

>> Harper-madison: Thank you. That gets us to -- Casar three was withdrawn. That gets us to Casar 4 on microbreweries. Anyone want to say anything before we vote on this one?

[9:12:38 PM]

Councilmember alter.

>> Alter: I guess I'm trying to understand why we've -- we've spent a lot of time on microbreweries. I'm trying to understand why they're so important for this code. If you could help me understand that.

>> Casar: I don't see it very critical compared to many of these amendments. I think we had some very outdated rules in the past we've had zoning cases we had to deal with in my district, and this makes it a little bit easier for -- we had to deal with bars, we had to deal with microbreweries and this makes it a little bit easier for small microbreweries to operate as a community gathering place and less as a manufacturing use.

>> Alter: Okay. Thank you.

>> Mayor Adler: Any further discussion on Casar 4 before we vote? Those in favor of Casar 4 please raise your hand. Those opposed. Pool abstains, alter abstains. Others voting aye. It passes. Let's do Casar 5. University neighborhood

[9:13:39 PM]

overlay. Anybody want to say anything about this before we vote? Councilmember tovo.

>> Tovo: Yeah we talked about this on the first -- the first reading as well, but I guess I'm wondering whether -- really how this fits in -- I mean, this is a subdistrict amendment to an overlay and it would seem to me inappropriate for a comprehensive land use revision so I don't know if the staff have made a recommendation here.

>> Councilmember, I think there was a version of this amendment on first reading. We were not quite sure what it entailed. There's more detail here now so we know what it means. There was a recent amendment in November regarding changes to the uno district, and so it was updated at that time. Those are the most recent changes, and our understanding from this amendment is that it would

[9:14:40 PM]

be adopting the planning commission version of that amendment. So it's -- it's similar to what was adopted in November, but slightly different in that it incorporates the planning commission recommendations.

>> Tovo: I'm aware of that. And the reason the planning commission recommended that is because one of the property owners that wanted to be included within that zone went to the planning commission and asked to be included and they proposed redoing the boundaries to incorporate some other properties as well, and it came to the council and the council voted against it so here it is back, again, as part of the land development code revision and I'm asking why a subdistrict amendment to an overlay -- how it fits into a comprehensive revision.

>> Councilmember tovo, as we mentioned yesterday and the beginning of our presentation, following council's action on second reading we will be reviewing all of the criteria that

[9:15:41 PM]

you've passed until now as well as the ones you pass in the next few days, couple days. And we will definitely get back with you on that. I think your point is well-taken and we will certainly consider whether or not this change is justifiable within the framework or broad criteria or whether it's one that is more appropriately deferred to a later process and as we indicated yesterday, we don't think there will be a lot of them, but we think there are definitely some of the decisions that have been made so far that we will be recommending be deferred. And we will certainly -- if this one passes, we will certainly look at it, look at it through that lens as well.

>> Tovo: Thanks.

>> Mayor Adler: Okay.

>> Alter: I have a question.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just want to say I'm uncomfortable voting on this one because it feels like an individual zoning case, particularly since we -- it's more akin to that. Since we just voted on it and we had the opportunity to hear from people when we did that and we don't have that opportunity now.

[9:16:41 PM]

So it feels to me like we're -- you know, I share the same concerns that councilmember tovo has about its appropriateness for this process and meeting the legal criteria for a comprehensive zoning process. But beyond that, it also just feels inappropriate to me, feels that way to me, to take it out of the process that we already decided on. If we want to revisit it I think we should revisit it as part of that process.

>> Mayor Adler: Okay. Anything else on this one? Councilmember alter?

>> Alter: I'm sorry if this was asked already. How many properties would be impacted by this?

>> Individual properties, we would have to -- we'd have to take a closer look to figure that out.

>> Alter: So as I recall from what came forward from the planning commission as opposed to what had been agreed on it was something like three properties, councilmember tovo? Is that correct?

[9:17:42 PM]

Do you know, roughly speaking? On that magnitude.

>> Tovo: I know there were two property owners advocating for the change. I think the second property owner is adjacent to some other parcels that were also included within the overlay so I'm not clear on how many properties.

>> Alter: Okay. But it's a small number of individual properties. Okay. Thank you.

>> Mayor Adler: Okay. Let's take a vote. Those in favor -- yes.

>> Casar: I think -- I brought this forward because I think it would forward our may two direction on increased capacity, redevelop we have a the love transit and there were a lot of people who live in that neighborhood who wanted this text change, and I was ill that day and now that we're doing comprehensive rewrite, why the that it can fit in. But of course if staff Brang us back as some other process that is okay as well.

>> Mayor Adler: Let's take a vote. Those in favor of Casar 5 please raise your hand. Those opposed. 7-4. Same vote.

[9:18:42 PM]

Let's go then to Casar eight, pedestrian oriented uses. That's already in. That gets us to Casar 9. This is the downtown northwest district. Any discussion before we vote on this one? Councilmember tovo.

>> Tovo: Yeah, same concern. I would say this is also a subdistrict amendment to the downtown plan, and as I understand the amendment, it would also -- it would also require the planning commission to amend the downtown plan prior to our -- prior to it coming back. So to me that very much speaks to it not being appropriate for consideration within a comprehensive land use revision, but rather one that really belongs within a planning process. And I know we've certainly received requests that we consider updating the downtown plan, and would certainly support doing so, and that might be the appropriate context for this kind of a change. But it doesn't seem to me appropriate for a comprehensive land use revision.

[9:19:42 PM]

>> Mayor Adler: So in that regard I'd mention everybody has the same positions with respect to this as we had for the last one and you would treat it the same way as you treated the last one. Is that right?

>> That's correct. I would briefly point out that I think some of the amendments that are in play with respect to downtown don't go to the zoning mapping but just to the affordability designations and so I think there may be some distinctions. But we will certainly look at all mapping proposals in light of the principles that we've discussed.

>> Mayor Adler: Sounds good. Any further discussion on this item? Councilmember kitchen. I'm sorry.

>> Tovo: I was going to point out, yes, that maybe true on some but it's also talking about uses and other levels of detail that are really beyond the affordable housing bonus.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: Will a couple things about this. I share the concern about whether this is appropriate as part of a -- as part of a comprehensive zoning because it seems more like planning to me. I'd like to just ask a few

[9:20:44 PM]

questions. What was the process -- it was very detailed. What was the process for coming up with all these pieces?

>> Casar: So as part of staff's recommendation there is a significant increase in height throughout many portions of downtown. There's this significant portion of downtown where council voted on first reading to increase the height, in the northwest district, and part of that amendment was asking for stakeholders and folks in that area to come together to talk about how to address the text in a comprehensive way that did this, and all Austin neighborhood association went along with judges hill and Dana all voted to put this together. The amendment, to be clear, is -- it just brings forward those major components, understanding that the staff can take -- can either take this and incorporate it in this process through the gap

[9:21:46 PM]

update or bring it back for a process at the end of code.

>> Kitchen: I'm sorry. I'm not sure I understood all of that. So it was a -- so tell me more about the process. So a group of people sat down and worked through these components? Is that what I heard you say?

>> Casar: . They worked through how to change the text to add additional height and F.A.R. And bonus.

>> Kitchen: Okay.

>> Casar: Just as has happened through many other parts of downtown through this same process.

>> Kitchen: Okay. And who were the stakeholders that were involved in that conversation?

>> Casar: It was currently this -- much of this is currently supported by the old Austin neighborhood association board, the judges hill executive committee and the downtown Austin neighborhood association.

>> Kitchen: Yeah. I'm sorry. I wasn't clear. I'm not asking so much who supports it. I'm wanting to understand the process. And the reason I'm asking

[9:22:49 PM]

that is because it sounds like the type of process that I've been talking about that can be useful, and that is a -- I don't have any way to tell whether this is appropriate or not because I'm not hearing from anyone that was involved in it. So I'm not talking about that. I'm more talking about the process. So it sounds like a -- you know, it sounds a lot like a planning process, which is something that we've been wanting to do. We invited our neighborhoods to submit ideas for their area. So that's what this sounds like it is. It's something that the -- it was a planning process. So I just wanted to confirm because I think it's analogous to what some of my neighborhoods have wanted to do, and I haven't yet brought forward and I will if that turns out to be the right process. So that's why I'm trying to understand if this is an appropriate -- if this one is an appropriate process, then there will be other

[9:23:49 PM]

areas of town that would like to do this. So that's why I'm trying to understand.

>> Casar: This was groups of folks coming together talking about how -- not about mapping individual tracts. It was not about let one -- what one corner should be versus what another corner should be. It was talking about how to add a dent bonus program and allowable uses within that program in a sewage of downtown, just as we added a density bonus program in many other areas. So it is not a lot by lot process. It's essentially an update to some of the core components.

>> Kitchen: I don't think a neighborhood planning area is a lot by lot process, necessarily. So, I mean, this does talk about F.A.R. And height limits, setbacks, uses, heights for properties within a certain geographic area. So I do think it's the same thing that we've been talking with neighborhoods about.

>> Mayor Adler: In that regard staff is going to take a look at that along with all the other things that we decide on.

[9:24:50 PM]

W ready to take a vote on this? Councilmember alter.

>> Alter: I, too, am concerned about this process. I have constituents who own property in that area. It doesn't sound like they had any say in the process, and there's a whole section there that has thoughts about the same issue, and they're being limited in particular ways. I'm not sure which way we should be looking at this, but it doesn't seem like it fits within the process that we have before us, and I'm concerned that not all the voices were brought to the table. Mayor pro tem -- councilmember tovo wasn't part of that. It is her district. I just don't think that is an appropriate process as part of this for such changes.

>> Mayor Adler: Councilmember pool.

>> Pool: Yeah. I got the emails of concern. I think they called it the panhandle section of it that not everybody was involved and there was -- sounded like to me that actually consensus hadn't been achieved.

[9:25:50 PM]

I think what really strikes me, though, about this is it's so particular. It's so specific. It goes from page 6 over to page 7. It's got F.A.R. And height limits, setbacks, district uses, downtown plan amendment. It's got so many elements do it that if this is the kind of district-level planning process, which would be great, this is something that councilmember kitchen and I talked about in our -- in our guidance document and also in first reading. We think that we need to be doing planning in order to put the appropriate kind of zoning on the ground so that our city grows in the proper fashion. And I don't know why it's okay for councilmember Casar to have done this work in councilmember tovo's district, but I may not -- you know, I was under the impression that I couldn't do this in my district, but I do have some -- I do have an amendment in here for

[9:26:53 PM]

north burnet gateway that would look at unlocking the density potential around the domain and including in the Kramer area where we know goofing significant turnover in light residential to hopefully residential at some point, along the line of the red line where we're going to have a soccer stadium at ma cala and we have over 6 million square feet of new office and commercial and residential at the old IBM campus and that is the broad more development and there will be a rail station at broodmore like at mckalla. If this is okay and this passes here that councilmember Casar brought to us, it's very specific, I hope that when we get to my amendment a little bit further on for burnet -- north burnet gateway they be treated similarly, although

[9:27:53 PM]

mine does not have anywhere near the granular detail that this has. In fact I want to open it up to see what the potentials will be in north burnet gateway and here it appears the decisions have already been made as to all of these details. So I'm curious as to the ability for this to be done here and hope that the relevance us volume access to this same sort of prerogative, particularly if it's literally in our district, which I'm hoping to do in district 7.

>> Mayor, council, very briefly, we would, I think, suggest that in the next -- as we mentioned in the next I think couple weeks we will be offering council a draft translation table along with a memo that kind of explains what we're recommending be deferred to a later process. And so I guess my suggestion would be that you all look at the items posted before you on their planning merits, and if you think

[9:28:54 PM]

they make good sense, you know, you can certainly vote in favor of them, just knowing that we may recommend that they be deferred until a later process. But it still will have been a valuable discussion and exercise and help set the stage potentially for later planning. We appreciate council's assimilating some of the principles we've been discussing over the next few days and we look forward to providing additional information and sort of firming up the recommendations with regard to how we look at planning, how we look at comprehensive revision and, again, offering you a draft translation table within the next couple weeks.

>> Mayor Adler: Sounds good.

>> Mayor Adler: Sounds good. Let's vote on Casar 9.

>> I'm abstaining.

>> Mayor Adler: Kitchen and pool abstaining, kitchen and alter voting no, it passes. That then moves us to kitchen 5.

[9:30:02 PM]

Councilmember Flannigan?

>> Flannigan: I have an amendment for this one that I handed out. I can't remember if it was yesterday or this morning, but -- I think it just provides a little more clarity to the intent that I think we share, councilmember kitchen.

>> Mayor Adler: Okay.

>> Could you read it.

>> Flannigan: It's one sheet, there, and it's the first one. So where it says remove mapping of mu53, it didn't say to. What I said change it to mu 5a since the primary difference is allowable uses and a does not allow personal storage. In the definition of the use, because of the mapping solution for this, we don't have to talk about the conditional use permit in the third bullet point.

>> Mayor Adler: Councilmember kitchen?

>> Tovo: Do you have any extra copies?

>> Kitchen: I think you passed them out this morning, so --

>> Mayor Adler: Y did.

[9:31:06 PM]

>> Mayor Adler: He did.

>> Kitchen: Mayor, may I speak to it?

>> Mayor Adler: Yes, councilmember kitchen?

>> Kitchen: I think this says better what I was trying to do. So I'm fine with it. I want to make sure that staff understands that there may be other amendments that talk about whether you, you know, zone something as mu or Ms. So this is not intended to override those. So it just means in a case where you've got an mu5b, we want to change to it mu5a. What we're trying to do is take off the allowance for the storage. Right?

>> Flannigan: And to the first bullet point about the auto uses. So the differences between B and a are I think really different for corridors.

>> Kitchen: Yeah. So, again, it's to get more appropriate uses along corridors.

>> Mayor Adler: Okay. Any objection to this amendment

[9:32:06 PM]

being substituted for kitchen 5? Hearing -- this amendment to kitchen amendment 5. Hearing none, that substitute is made. What's in front of us now is kitchen 5 as amended. Discussion in councilmember alter?

>> Alter: So in December I had an amendment that said to find a way to eliminate storage, and when that came back, it was basically said, well, it wasn't mapped anywhere. So there's a piece of this that's for other uses, but can someone help me understand -- I haven't had a chance to talk to you,

councilmember kitchen, about where this mapping didn't happen appropriately? Because I'm thanked part of this -- I'm understanding that part of this is saying go back and fix something that wasn't mapped correctly, in order to do that, can staff explain what you'd be doing differently for this?

>> Can I ask for clarification? Are you asking how the mapping of mu5a versus5b would change with

[9:33:09 PM]

this directive?

>> Alter: No, I understood you told me in the answer in response to my amendment that was eliminating personal storage on our corridors before that those were mapped in such a way, I believe mu5a that you wouldn't have storage, but obviously there are more places where that didn't happen. I'm just trying to understand why this is necessary -- I will support it but I'm trying to understand why the piece about the storage is necessary when we already gave that direction in December. That's what I'm trying to understand. And I didn't -- except for there's the location restrictions on personal storage perhaps that's new, but the other bullet -- I'm happy to especially to keep it in there but I'd like to answer the other question that wasn't addressed.

>> Kitchen: I don't know that I can answer that. I can tell you in looking at the zoning, we thought we were seeing some areas where we needed to change the mu5b to mu5a but I

[9:34:11 PM]

can't give you anymore. If it's already been done, that's great, then it'll be --

>> Alter: I'm happy for them to check. I just was trying to understand. I don't know if staff has any thoughts on that or you'll just go double-check it.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I just want to understand the impact of the amendment from mu5b to mu5a. Are there any other -- are there any other change -- are there any other differences about which we should be aware? I'm trying to understand the amendment that I think has already been accepted, but is it -- is it just the restriction -- what are the other changes? And I have my code book. If you know what page it's on. I haven't been able to find it quickly.

>> As councilmember Flannigan stated, the prime -- the only difference between mu5a and mu5b is allowed uses.

[9:35:11 PM]

Mu5b allows more auto oriented uses, personal storage, drive throughs things like that.

>> Tovo: Do you know what page it's on? I just want to do did see.

>> Flannigan: 3G, page 6, or page 5, but it's in the 3G 5 section. That's where it was for mu.

>> Tovo: Okay. Thank you.

>> It's section 23-3-c5-120 district 2 I'm sorry, would you mind saying that again?

>> There's a pixel wrong on my --

>> 5-120.

>> Tovo: Thank you.

>> Mayor Adler: Let's take a vote on kitchen -- let's take a vote on kitchen 5 as amended. Those in favor, please raise your

[9:36:11 PM]

hand. Those opposed? Unanimously is approved. That gets us to Flannigan 14. Bottom of page 8 of 19. Anybody want to say anything before this we vote? Councilmember kitchen?

>> Kitchen: I think I pulled it because I had a question. I was just trying to -- trying to understand it better. So in what -- you know, what was the -- trying to be achieved here. So if councilmember Flannigan or the staff can help me understand.

>> Flannigan: A little more flexibility in the addition of vegetative wall as an allowable requirement for functional green.

>> Kitchen: Okay. Is that the second sentence or the whole thing? Let's see. I'm sorry, I have to take a minute to look at it.

[9:37:13 PM]

Okay. Well, let me just ask the staff, do y'all have any questions or concerns about it?

>> No. We are fine with this amendment.

>> Kitchen: Okay. Okay. Thank you.

>> Mayor Adler: Okay. Take a vote. Those in favor of Flannigan 14, please raise your hand. Those opposed? It's unanimous on the dais. That passes. That gets us to Flannigan 15.

>> Flannigan: Mayor?

>> Mayor Adler: Yes.

>> Flannigan: On Flannigan 15, you can cite the one on my amendment sheet. I added one phrase to the parenthetical.

>> Mayor Adler: You added in existing regulating plans and todos.

>> Existing regulating plans and todos to the list of Zones.

>> Mayor Adler: Any can objection to that being included? It's included. Any discussion? Councilmember Tovo.

>> Tovo: I had a question either for the maker of the motion or for staff. Can you help me understand what would be the net effect on parking requirements? Would it be to increase the amount of parking? To decrease the amount of

[9:38:14 PM]

parking?

>> It would be to increase the amount of parking. Currently downtown there's 100% maximum -- or excuse me, in today's code there's 110% maximum. Under the draft code there's 100% maximum. This would raise the maximum to 125%, higher today's code.

>> Tovo: I see. Is this something that you're recommending?

>> We would recommend 110%, which is keeping it the same as current code. So it's a little more of an increase, but not the same as the corridors, which we have a hundred -- we have the maximum set at 125%. So maximums are new, a new thing for this code, except for downtown, so downtown in the current code has 110%, as Lyndi pointed out. And then we have looked at

[9:39:16 PM]

creating 125% maximum on the corridors and 175% everywhere else, is the maximum. And so in listening to stakeholders and seeing this throughout the process and seeing this amendment, we understand the need for perhaps a little more flexibility in the parking until such time as our transit can become more robust and would recommend the 110 as current code to be expanded.

>> And just as a note, as neglected first reading, we did add an opportunity to go above maximum parking. If you provide shared parking. So that is an alternative to rise above the maximum if needed.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Yeah, councilmember kitchen?

>> Kitchen: And let me just make -- you explained it but I just want to make sure I'm understanding. So the 110% is what's set now for

[9:40:19 PM]

all areas of town?

>> Just downtown.

>> Kitchen: Okay. That's what I thought you said. So this one -- so the parking maximums for the regional center Zones is new then. Right? Or this is just ucc, CC, and DC; right? Applicability is only to these regional center Zones?

>> The regional centers all have the same parking maximum under the draft code of 100%. In today's code uc doesn't exist as a zone so it would be -- this is a new application.

>> Kitchen: I'm sorry, I'm just trying to -- it's a little late. Is this all downtown?

>> No.

>> Kitchen: I didn't think so. I'm trying to get --

>> Uc can be anywhere in the city.

>> Kitchen: So these are all regional centers, essentially.

>> I believe uc is currently mapped sparingly. It was recently applied more robustly after first reading, and Lacey Patterson can speak to where it is.

[9:41:19 PM]

DC and CC are only downtown.

>> Kitchen: Okay. I guess I'm trying to understand where uc is then.

>> Flannigan: Mayor? Mayor?

>> Mayor Adler: Yes.

>> Flannigan: To be clear, in today's code, not any of the drafts, there's no maximum downtown, there's just no minimum.

>> Downtown today, there's a maximum of 110%. And no minimum.

>> Flannigan: 110% of...

>> Of schedule a in the current code.

>> Flannigan: So 16 floors of parking at the Google building is 110% of the maximum?

>> I'm not familiar with that particular project, but there's a maximum --

>> Flannigan: I always thought the different between downtown and the rest of the city under the existing code is there's no maximum and no minimum.

>> There's ways to get waivers.

>> Flannigan: So there's a pretty extensive waiver process. I see.

[9:42:21 PM]

>> Okay. Talk about uc mapping?

>> Kitchen: Yeah. I'm just trying to understand the extent -- I know where our regional centers are, just trying to understand the extent to which they're uc.

>> Right. So in the current draft, uc is mapped in three of our regional centers.

>> Kitchen: Okay.

>> Including south central waterfront, it's mapped on those properties that currently have language zoning as a designation, it's a more comparable zoning designation for carrying forward entitlements. And also as part of direction, we've mapped uc in the highland mall regional center, and also in the lakeline station regional center.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay. Any further discussion before we vote on this one? Councilmember tovo?

>> Tovo: I just want to be sure I'm understanding correctly. Current maximum is 110. Staff are recommending it go down

[9:43:21 PM]

to 100. This would push it to about 125. Your recommendation is that if we want to increase beyond a hundred, that we leave it at 110, which is where it is in current code.

>> That is correct.

>> Tovo: Councilmember Flannigan, do you want to speak to your rationale for this? Do you support going to 110 as the staff have suggested or do you want to keep it with your original?

>> Flannigan: I'm going to pull this down and bring it back later.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. So item Flannigan 15 pulled down, tabled. That gets us to pool 2. Discussion?

>> Pool: So this is -- I just handed out a map so y'all could see what the north burnet gateway zoning district subdistrict map looks like. And what we're -- what I'm hoping to do here, with your support, is

[9:44:24 PM]

to open up some subdistricts within this area to get the entitlements for additional development and focus on the parcels between broadmoor and mckalla place place so we can make some changes there to get subdistricts to accommodate a wider variety of housing types, particularly missing middle and! I recall the higher housing density. If we update the ngb plan bonus requirements to more closely align with or exceed our proposed affordable housing bonus program, then this will help us meet the strategic housing blueprint. It'll tie all increases in entitlements toison districts to an affordability requirement which is now missing. Then I also want to look at the warehouse mixed use district and the commercial industrial subdistricts that's around the Kramer -- Kramer station area and the existing parcels there. There's lots of opportunities for transition to residential and live-work uses. We're looking to make some big

[9:45:25 PM]

changes to this part of district 7.

>> Alter: Mayor? Thank you, councilmember pool, for bringing this amendment. I think it's a good example of where we could be putting more density in our regional centers as our comprehensive plan suggests. It provides one pathway forward to doing that. So thank you, councilmember pool. I think this is a really good way to get a lot of density in a place that has a transit and the other stuff to support it and is scheduled to get additional stations. In our talking about this, the you made a comment once, and I just wanted to ask you to elaborate here. You mentioned without this, that we would have higher density around these areas than we would inside of them. Could you explain how that would work?

>> Pool: Yeah. That's kind of the ironic outcome

[9:46:25 PM]

of us not being able to crack open regulating plan in this instance, for example. We will have additional height and density around this area here but not inside it, and the whole -- all of the planning has been

to -- and the professional planning principles are that you put your height and your density toward the center of your fairly -- well, this is a pretty big and will be a very dense part of the city. So the idea is to maybe it walkable and to put the height in the appropriate places so that it pulls people into the center and doesn't push them out. And, again, the irony is if we don't open this up to make these changes, we'll end up having the height on the outside of it, which will be -- well, it's not -- it's not the best practice.

>> Mayor Adler: Further discussion? In a lot of respects, I think

[9:47:26 PM]

this goes to the same conversation we were having earlier. Whether this fits here or not. The distinction between this and, I think, what we passed before was, councilmember pool, what you pointed out, there was more detail in that. This asks more open-ended questions and identifies areas and asks for resolutions of those. I don't know how that actually happens in this process as we go from second to third reading, but I'll let you wrestle with that. I'm going to vote to support this so that you look at it in the context of the broader conversation and come back to us, you know, well before we get to third reading so that people have the chance to be able to react to it, but put it in that context and let's figure this out.

>> Pool: Thanks so much. That's what we were hoping would happen.

>> Mayor Adler: All right. Councilmember Casar.

>> Casar: Yeah, I'll support it for those same reasons.

>> Mayor Adler: Any further discussion? Councilmember alter.

>> Alter: I just think if you

[9:48:26 PM]

come across the situation here where you feel like it's too individualized, we could make this a general rule for our regional centers to be looking at it and you may come back with this one first.

>> Pool: Yeah. It would be a great test indicate.

>> Mayor Adler: Okay. So without the -- counting on the particulars of this, which we haven't really worked through on this, I think look at this and tell us the best way to handle this kind of thing. Those in favor of pool 2 -- yes?

>> Alter: We can vote. I just want to make one suggestion.

>> Mayor Adler: Those in favor of pool 2, please raise your hand. Those opposed? Unanimous on the dais, pool 2 passes. Councilmember alter.

>> Alter: Thank you. I just wanted to ask if we can make sure we get the capacity numbers when you do that and that they're factored into the rest of our calculations. They will be substantial.

>> Mayor Adler: Okay. Let's go to pool 3. Any discussion on pool 3?

[9:49:32 PM]

Councilmember Casar.

>> Casar: I think the staff already brought forward protections that make it -- there be a more extended process if it's a night club or outdoor bar, but this kind of indoor non-late night hour bar I think having the process that it currently has is the right process so I'm comfortable with the balance that staff struck here to try to create to a neighborhood, less late-night bars and making it easier for them to operate.

>> Kitchen: So I want to make sure I'm understanding what councilmember Casar just said. You said you were looking for more of a balance for fewer late-night --

>> Casar: Currently the -- you do not need a cup for the non-late night ones in this zoning category. This would make it a cup. And so if somebody is trying to

[9:50:33 PM]

do a standard closes as a more reasonable hour, non-outdoor bar, this would make it more challenging in those cases. That's why I oppose it.

>> Kitchen: Okay. So I wanted to understand, because I'm not talking about a comparison of uses between these two, I'm just talking about a comparison of placement in the context of a neighborhood interior street, and several parcels within mu2 and bar night club being allowed through administrative approval of the minor use permit. This just leaves out the community input. And I would like to have the community included in this process. So, staff, can you help me on that and assure me that the community would have a voice in whether there would be an expansion of bars and night clubs into neighborhood interiors?

>> So I believe -- I believe staff supports -- is that right? We -- just to answer the question

[9:51:36 PM]

about mu -- CPS your correct, they require a trip to land use commission where mus do not. Mup is a new thing for us that would be administrative and not plain use discretion.

>> However, with regard to the mup process, the way the mup works is there is a notice of application, and there's an opportunity to provide comments, and there's a limited -- a limited opportunity to impose conditions. There's not a denial of the use, but there's an opportunity to impose kind of site level conditions. And there's an appeal to the land use commission. So there is public notice and notice of application provided. But, yes, it is definitely a more limited -- more limited process.

>> Kitchen: I guess what I would like to do before offering this then, I'd like to talk to staff a little bit more specifically about how we can ensure that the neighbors -- because I'm talking about the interior of a

[9:52:36 PM]

neighborhood, I'm not talking about on a corridor or on a bordering street, I'm talking about in the middle of a neighborhood, the interior of a neighborhood, I want to make sure that if this is a process and a procedure that the city is going to permit, that the people who live adjacent to it have a real say. Now, I know this is trying to keep this off of the council dais, but that doesn't mean that we limit or eliminate the voices of the people who would be affected and impacted by having a bar next-door. I'm talking about bars and night clubs. I think there's a specific designation and definition for those. Is that right?

>> Yes. And I would just add that if it's council's desire that there be an opportunity to deny the application, then I think the cup would be the -- would be the proper option.

>> Kitchen: Okay. Well, I am pull this down because I want to have a further conversation with staff to make sure I understand all of the

[9:53:36 PM]

implications and the specifics, and I may bring back some language maybe to strengthen that or I may find that I'm satisfied by the conversation that I have with staff.

>> Mayor Adler: Okay. So pool 4 -- pool 3 rather is tabled. That gets us to pool 4. Any discussion on -- excuse me -- this is pulled by the mayor pro tem and harper-madison. Any discussion?

>> Pool: I I can just explain to folks what the intention is. I think about a year and a half ago this council approved unanimously the north shoal creek neighborhood plan. It was really successful and we did a lot of real serious, on the ground planning for that neighborhood. There's a street there that is a dead end, it's Buel, it's

[9:54:38 PM]

accessed from burnet, it's the Buel avenue district, it's a community asset, it was identified in the neighborhood planning process as a gathering space and they said specifically that it would -- they want -- the neighborhood wanted to incorporate spaces for trades people, shopkeepers, drafts people, artists and residents to interact while enjoying the calm live-work environment. And it's living up to that very character. What it looks like is happening on the map is that that designation has been changed. It's been changed from mu5bq to if on both sides of the avenue. And I'm sorry, it's the other way around, it was changed to mu5bq and we need it to be if on both sides of the of a, so it better reflects the consistency and alignment with the neighborhood designation. This is something the neighbors came together and agreed to and we agreed to and this particular thing is being changed by this -- by this process. So I wanted to make that --

[9:55:40 PM]

highlight that. And I have some maps. Let me pass out these maps to you S we also get them into the record. And you will see Buel avenue here, it's in the darker blue right off of burnet road.

>> Mayor Adler: Staff, would you explain what you did here?

>> I'll start by saying, then Lacey can add, but we -- accept for transition areas, we did comparable zoning across the board, and so we would recommend that implementing zoning for character districts be addressed perhaps through a refinement process, that would be on recommendation. But Lacey might want to add additional specifics about the mapping in this area.

>> So, in -- at the point in time when this neighborhood plan was going through the process of adoption, we were going through we had a lot of different

[9:56:43 PM]

conversations and previous iterations about how to map accordingly with this ongoing process. What is -
- the zoning --

>> I'm sorry.

>> The zoning along Buel is a good example of part of the general cleanup as we go through reviewing the comprehensive nature of our zoning designations, where -- I believe it's cs zoning today. Should be mu5, a or B, per our comprehensive revision process. So there's -- as we're going to find instances of these where there is areas that some previous mapping of previous iterations and decisions were made that we're going to have to clean up as comparable zoning designations for our comprehensive revision.

>> Pool: Except that one side of it is cs, so it would seem it should be if industrial to

[9:57:46 PM]

promote the burgeoning live-work district. What I really want is staff to review the area again, look at the other cs Zones nearby that were mapped to rm3, Ms or if, that fit their current use in the neighborhood Flum, and just have a second look at this. We don't have to vote this today but this is a specific instance where I can we can make a very easy adjustment, we can still be in alignment with the neighborhood plan that we all approved just less than two years ago.

>> Mayor Adler: Will you come back to us between second and third reading, as you're talking about kind of the next steps in this, as you go through, can you make sure that this kind of thing is included in that? Okay. So this is withdrawn with that discussion. That gets us to -- which one is it? This is Ellis 1. I think you had an amendment?

[9:58:49 PM]

>> Ellis: Yes. I had handed out that amendment -- was it yesterday? I don't know. But I did hand it out but I can read it now. Appreciate councilmember tovo's interest in this particular issue as well and wanting to kind of withdraw, merge, combine these discussions. The thank you language would read, rereview the application of comparable equivalent zoning categories for commercial properties within the Barton springs zone to ensure appropriate water quality protections for the area covered by the 1985 oak hill area study. This amendment is to address a potential issue flagged by save our springs alliance. I asked staff to go back and check how they applied the comparable equivalent zoning to commercial lots, only in the area covered by the 1985 oak hill area study which predates the passage of the save our springs ordinance, to make sure we are doing our best to protect our water quality. So, in other words, I think councilmember tovo had f25 language but I wanted to try to

[9:59:49 PM]

bring it current with the code. So that's what the revised language says.

>> Mayor Adler: As amended, does anybody have objection to Ellis 1? Those in favor, please raise your hand. Those opposed? Councilmember pool?

>> Pool: I just wanted to -- I just wanted to note that I appreciate Bobby Levinsky's input on this particular one and the care that save our springs alliance and folks in the community give to our springs.

>> Mayor Adler: Okay. Those in favor of Ellis 1, please raise your hand. Those opposed? It's unanimous on the dais. We have tovo 2. Rainey street.

>> Tovo: Mayor, I suspect this is going to take a little discussion and we're at 10:00, so...

>> Mayor Adler: Okay. Do you all want to break at this point before we do Rainey or do you want to do Rainey first?

[10:00:53 PM]

>> [Off mic] What's the will of the dais? Okay. We'll break here at 10:00. We will reconvene at 9:00. We have a few speakers to have. We'll treat those tomorrow morning the way we treated them this morning. We have all day to work, except that we break at 1:00 for the mobility committee, and then we'll come after that. We're not quite halfway through, so I think that we have to work more quickly tomorrow. People need to be prepared to stay late. Councilmember harper-madison.

>> Harper-madison: If I may, thank you, real quick, just an observation of folks who might be experiencing something that I am today. So big shout-out to my lupus and chronic pain survivors, I know this weather had you aching and tired today so good for you making it through another day.

[10:01:54 PM]

>> Mayor Adler: Some days you feel like you've earned it more than others. With that, at 10:00, the meeting is adjourned.